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AN

ACCOUNT

OF THE

ISLAND OF JERSEY,

WITH

AN APPENDIX OF RECORDS, &c.

BY THE REV. PHILIP FALLE.

TO WHICH ARE ADDED,

NOTES AND ILLUSTRATIONS,

0000

BY

THE REV. EDWARD DURELL, M. A.

RECTOR OF ST. SAVIOUR,

JERSEY.

0000

JERSEY :

PRINTED AND PUBLISHED BY RICHARD GIFFARD,

St. Saviour's Road.

1837.

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TO THE KING.

SIR,

Philip Falle, the Historian of Your Majesty's Island of Jersey, was graciously permitted to lay his work at the feet of Your Majesty's Royal Predecessor, William III, and the high estimation in which his memory has ever been held by his countrymen for his loyalty and veracity, proves that he had not been unworthy of the distinguished favours, which he received from that Illustrious Sovereign.

Placed in the same situation as Philip Falle, and glowing like him with attachment to the Government and the Sacred Person of my Sovereign, and with love to my native country, allow me, Sir, to offer this new Edition of his History of Jersey, enlarged with a copious Commentary, to illustrate the antiquities and institutions of that Island, and humbly to solicit for it Your Majesty's Royal favour and protection.

More than a Century has now elapsed since that History was published, during which the inhabitants of Jersey have persevered in the hereditary loyalty of their ancestors, and have exerted themselves to the utmost of their power in the Service of their Sovereigns, whose wisdom and magnanimity have secured the general welfare of the Empire, in the

midst of the awful changes, and the sudden revolutions, which have characterised that eventful period.

But, Sir, Jersey is no longer the same as it was of old, scanty in its resources, and limited in its trade. Under that fostering care of their Sovereigns of your Illustrious House, which is now so happily continued by your Majesty's paternal Government, it has progressively advanced in wealth flowing from the sources of agriculture, of commerce, and of population, till its prosperity has been enabled to rival that of the most flourishing parts of your Majesty's extended Dominions.

May then that unerring Providence, which watches over the destiny of Princes, and orders the will and affections of men, to render them subservient to its inscrutable purposes, long preserve your Majesty to reign over a grateful people! And may the loyalty and the blessings enjoyed by the inhabitants of this Isle, be permanent, and be transmitted unimpaired to their latest posterity!

May it please Your Majesty,

Your Majesty's,

Most loyal and most devoted Subject,

EDWARD DURELL.

PREFACE OF THE EDITOR.

The Rev. Philip Falle's History of Jersey has always been considered, as the most valuable Account of that Island, and from which all subsequent publications on the subject have borrowed their most important information. Nor has it been uncommon to quote him in our Royal Court, as a kind of semi official authority, to whose honesty and veracity, it was equally safe to appeal. It is thus that he may be said to have enjoyed the same distinction as Homer, some of whose verses were admitted by the Athenians to be a sufficient authority, to settle a question about disputed boundaries.

The first Edition of his History was published in 1694, while he was yet Rector of St. Saviour's, in Jersey, and resident on that benefice. It is a small and scanty performance, and merely the ground work of his second Edition, which appeared in 1734, when he was a very old man and possessed of a stall in Durham Cathedral. Perhaps it is incorrect to call it a second Edition, as it has been entirely re-written, with very large improvements and additions. Some of his own opinions, seem also to have undergone a material change, a striking instance of which is found in his Chapter on Religion, page 183, in which the Bishop of Winchester's power is represented as very limited, and as being merely that which was anciently exercised by the Bishop of Coutances, with no other jurisdiction than that of a Judge in Appeal. That passage, which after all, was the most correct and the most constitutional view of the matter, is not to be found in the Edition of 1734. The humble Rector of St. Saviour could no longer be recognised in the courtly prebendary of Durham, and the richly endowed in-

cumbent of Shenley; for there is not a more unquestionable truth, than that the opinions of men are either changed or modified according to the scale of their success or depression, in the eventful and wearisome journey of life.

In 1798, a third Edition of Mr. Falle's History of Jersey was published in London, but it contains nothing remarkable, and except a few alterations, it is merely a reprint of the Edition of 1734.

The second Edition had become very scarce, and bore a high price: A new Edition was therefore absolutely necessary, and the publisher was induced to undertake it in consequence of the numerous solicitations of his friends, whose patronage he now gratefully acknowledges.

Many Accounts of Jersey have been published since Mr. Falle, but have added little or nothing to our stock of historical knowledge, while they merely and servilely copied from him in most particulars. It is however candid to own, that that sort of information was of difficult access, or rather that it was out of the reach of those writers, who in addition to their other difficulties, were strangers, and unable to form a proper estimate of our usages and institutions. Perhaps we might make an exception in favour of Dr. Shebbeare's History, whose first Volume contains the best account extant of the Constitution of Jersey, as he had derived it from the Le Geyt Manuscripts. The second Volume contains the Narrative of a period of audacious and unredressed oppression, the authors of which have long been gone to answer for their misdeeds, where the *wicked cease from troubling, and where the weary have rest*. But his virulence is such, that truth itself loses its original character, and ceases to produce any effect by assuming the appearance of exaggeration and calumny.

The zeal and the patriotism of Mr. Falle cannot be too highly commended, but like every other virtue, these may be carried to excess, and become reprehensible. He generally viewed but one side of the question, like one who was either too much attached to his own opinions to distinguish

the truth, or too timorous to censure what was wrong. It was thus that he not only omitted to give an account of the State of the Island during the civil wars of Charles I; but that he enters into a laboured defence of Charles II, while Prince of Wales, and of his mother, Queen Henrietta, against the charge of their having intrigued to sell Jersey to France. (*See pages 71, 84, and 85.*) These omissions have been endeavoured to be supplied by Notes 46 and 49.

Mr. Falle was often hasty in admitting inconsiderate, or even absurd opinions. We refer principally to Notes 56, about the diameter of shells; 70, about the Quenvais; 185, about Richard III, and the most glaring absurdity of all, at Note 219, page 216, where he severely censures laymen holding the Jersey Fellowships, when Mr. Poingdestre, whom he had so highly eulogised in his Preface, page ix, had enjoyed one of those Fellowships for about 12 years, without taking orders, till he was expelled from it for his political opinions during the civil wars.

The Historian appears to have had but an imperfect acquaintance with the Records of the Royal Court, which was probably owing to the difficulty of access, and the strictness with which they were guarded by the magistracy of his time. Add to this the slovenly manner in which those Records were kept, their bulkiness, the vast quantity of trash they contain, and above all, the extreme difficulty of reading them, from the decay of the paper and the badness of writing. With such obstacles to contend with, it is not astonishing that Mr. Falle should have been but imperfectly acquainted with those valuable materials.

Our Records are comparatively recent; they do not begin before about 1520, and consequently that circumstance throws an additional obscurity on our insular history. Our ancestors must have been a truly litigious people, as the law-suits in those Records are not more surprising for their numbers, than for the trifling matters about which the parties contended. It is some satisfaction to learn, that the expences were trifling in proportion to the triviality of the suits.

In many cases our Historian has omitted to give a reference to his authorities, though there could be no doubt that he was well acquainted with them. It has therefore given me pleasure to supply that deficiency by laying several of them before the readers of this new Edition.

The progress of society, and the different circumstances of the age we live in, have rendered many of Mr. Falle's views obsolete, even after making allowances for the bias which that good and otherwise enlightened man, had derived from the love of country and from his adherence to professional character. Many things in the State and the Constitution of Jersey have likewise been either altered or improved since, which it was indispensable to explain in a new Edition. I have therefore added a large quantity of Notes and Illustrations for that purpose. Some of those Notes have been considerably extended, and the consequence of it has been, that the work has been increased with a much larger quantity of matter, than had been originally intended, a circumstance which, it is hoped, will contribute to the amusement and information of the Reader, though it has materially lessened the chances of advantage, which the Publisher might have reasonably expected to derive from his speculation.

The 46th Note, from page 298 to page 344, supplies an important omission, and properly speaking, is not a Note but an Historical Sketch. The labour of collecting and preparing the materials has been very considerable, and that too with no other hope of advantage than the pleasing reflection indulged in solitude, that I may have partially succeeded in elucidating an obscure, though important period in the history of my country. A large quantity of official and other documents, have in the course of this Edition, been either consulted, or were already in my possession. If the Publisher were to receive encouragement from the Public, a valuable collection of those Papers might be printed at some future period. At present it would have swelled this volume to an inconvenient size, which perhaps would not

have even met with the general approbation of the subscribers.

This Volume contains the result of long and extensive researches into the affairs, and the antiquities of this Island, for which my situation, as a member of the insular States, afforded me frequent and favourable opportunities. And now it gives me pleasure to communicate all the information in my power. It is not for me to say how far I may have succeeded, though it is the first attempt of the kind, with perhaps a slight exception in favour of the Appendix to Le Jeune's History, since the publication of Mr. Falle's Second Edition.

I have endeavoured to relieve as much as possible the dryness of my commentary, and to render it entertaining and instructive to the general reader.

I have to apologise for the delays which have occurred in preparing this publication for the press, and much might justly be said about the difficulty of collecting and arranging materials, as well as about private and professional avocations, occasional ill health, and remissness in exertions.—But I have fallen on evil men and evil times, (*) and it is even extraordinary that I have brought this work to a conclusion, while struggling with the severest trials. Oppressed with the dejection of a wounded spirit, and trodden down by unmerited vituperation, I have been numbered among the children of misfortune. Has not unforeseen calamity rushed in to interrupt the peaceful course of my humble career, and do I still survive the furious onsets of unhallowed and unceasing persecution? Have the tears of sympathy gushed forth to allay my sorrows? Or rather have not the fangs of tigers torn, and torn again, my bleeding wounds? And have I thus been requited by thee?—By thee, the Land of my Fathers? Oh! art thou truly a

(*) *Integer vitæ scelerisque purus*, a celebrated line of Horace thus translated by Lord Roscommon :

Virtue, dear friend, needs no defence ;
The soul's best guard is innocence.

Land of Christians?—And in the bitterness of my heart, shall I not exclaim in the language of Scipio Africanus, *Oh! my ungrateful Country!*

It had been expected, that this History of Jersey should have been continued from 1734 to the present time. This has been done indirectly by means of the Notes, in which every important change in the country or its institutions, has been noticed. The History of Jersey has produced little worth recording during the last century, except the attacks of the French in the years 1779, and 1781, and the death of that youthful hero, the gallant Major Pierson, who so gloriously fell in repelling the latter invasion. Unhappily if we were to present a separate History of that period, it would contain little more than an account of the virulence of parties, the oppression of the subject by the perversion of justice, and the political rancour and personal hatred, which have carried their dissensions into the bosom of private families. We are yet too near to those intestine broils, to speak of them with impartiality; that task must be performed in the course of another generation, when all our prejudices shall have ceased, and all the agitations of ourselves and of our cotemporaries, shall have been hushed to peace in the repose of the grave. That the reader may not however be entirely disappointed of a continuation, I have added an Extract from Plees' History of Jersey, at the end of the Notes, from page 197, to page 215. As to myself I have adhered to the strictest impartiality in the Notes, and endeavoured, on every occasion, to avoid the discovery of any political bias, when I have been obliged, in the course of my enquiries, to touch on the local politics of this little State, (*ce petit Estat*), as it was often emphatically called, by our ancestors, in their Records.

In the course of this Edition, I have had occasion to refer principally to the following authorities:

1.—The Records of the Island, to which, as a Member of the States, I had a right of personal access. I avail myself of this opportunity to acknowledge the attentions,

and the facilities I have repeatedly experienced in my researches from Francis Godfray, Esq., the Clerk of the Royal Court, and the Keeper of those Records. (*)

2.—From the Manuscript of Philip Le Geyt, on the Jurisdiction of the Royal Court. (*Note 46, p. 300.*)

3.—From the Pseudo Mastix, supposed to have been written by Michael Lemprière, who was Bailly of Jersey during Cromwell's Protectorate. For some account of which M.S. *see page 300, Note 46.*

4.—From the Chronicle of John Chevalier. (*See page 299, Note 46.*)

5.—From Philip Dumaresq; of Samarés, whose Manuscript on the Defence of the Island, he presented to James II in 1685. (*See page 284, Note 17.*)

6.—The Chronicles of Jersey, published in Guernsey, in 1832. There are to my knowledge 8 or 10 Manuscript Copies of that book in this Island. The Narrative does not come farther down than the marriage of Philip De Carteret, of St. Ouen, with Rachel Pawlet, in 1650. The author of that work is unknown, though it has been sometimes conjectured that it was the elder Sir Philip De Carteret, of St. Ouen, a man of the highest merit and integrity, as may be seen at Note 46: at any rate, the author must have been either a friend, or a retainer of the family of St. Ouen. It is a valuable performance, the publication of which is an important acquisition; but it is an error of its Guernsey Editor to say that it was written in 1732, (*Chron. p. 117,*) unless he means that they were transcribed in that year. The language itself, and many of the Manuscripts of those Chronicles, are of a much older date.

(*) There are several Manuscript Collections of Precedents from those Records, (*Livres de Préjugés,*) but their compilers made them mostly with the view of gaining legal information, to guide them in their professional practice before the Royal Court, and omitted a variety of things calculated to throw light on the history, the antiquities, and the constitution of the Island. The Ordinances in those Collections were repealed by the Code of 1771, except a few that were incorporated in that Compilation. As to the Precedents themselves, many of them are scarcely of any value.

As to their veracity, it is confirmed by the Records in many particulars, and there is little doubt that most, if not all, of their chivalrous embellishments, are substantially true. The printed Edition however abounds in mistakes of names and dates, which are either the errors of the press, or of the transcriber of the Manuscript.

7.—Dr. Heylin's Survey of the Channel Islands, for an account of which, (*See Note 1, page 274.*)

8.—From various documents in my possession, a considerable part of which, have been copied from a Manuscript, supposed to be the same, as that to which Mr. Falle refers at page 128 of his first Edition, and which then belonged to Sir Philip De Carteret, Bart., who died Bailly of the Island in 1692. It is a thick folio, in different hand writings, and contains nothing of a more recent date than 1650. It is now the property of Daniel Messervy, Esq. a collateral descendant of the De Carterets. The Latin quotations about the Isle of *Sark* and the *Quenvais* are to be found, word for word, in Mr. Messervy's Manuscript, as well as the Appendix No. X, or the Legend of the Lord of Hambye ; so that in my opinion, there cannot be any doubt, that it is the identical Manuscript mentioned by our historian, and that it was once the property of the St. Ouen's family. (*See pages 63, 98, and 244.*)

It has been impossible, notwithstanding every degree of attention in correcting the press, to avoid a few typographical inaccuracies. A short Table has been added of *Errata*, which affect the meaning, to which the reader may occasionally refer. As to evident typographical blemishes, they have been purposely unnoticed.

With the view of facilitating a reference to the Notes, the reader will find a Table at the end of the book, containing the subject, with the number and the page of each of those Illustrations.

It is thus that after considerable research, unexpected delays, and under the influence of the most serious discouragement, I have persevered in my labours to their termination.

It is however a gratifying circumstance, which more than outweighs all the inconveniences I have experienced, that I have been permitted to lay the result of my humble exertions at the feet of my gracious and benevolent Sovereign.

It is possible, after all, that this Edition may not be so complete as I could have wished ; but I still flatter myself that an indulgent public, will perceive, that materials at least have been collected, which might hereafter be highly serviceable in the prosecution of any future investigation of the antiquities of Jersey.

St. Saviour's Parsonage,

Jersey, January 27th, 1837.

THE HISTORY OF THE

The history of the... (The text is extremely faint and largely illegible due to the quality of the scan. It appears to be a historical or biographical work.)

SKETCH OF THE LIFE

OF

THE REV. PHILIP FALLE.

The curiosity of the reader is generally excited to know something about any author, who may have contributed either to his amusement, or to his instruction. It is like an agreeable fellow traveller, who has relieved the irksomeness of a long journey, and whose references we are desirous to possess before we part. This is precisely the feeling, which any one will experience, on rising from the perusal of the Rev. Philip Falle, the Historian of Jersey. There is something in his honesty and patriotism, which cannot fail to arrest the attention of the most ordinary reader ; and the high respect and deference in which his memory has ever been held by his countrymen, are further calculated to increase that curiosity. A few biographical particulars, however scanty they may be, which tend to make us better acquainted with the character of such a man, cannot be unwelcome to the public.

Philip Falle was descended from an ancient agricultural family, who, according to his own account, belonged to that happy class of substantial freeholders, who are not sufficiently elevated to excite envy, but who enjoy enough of the necessaries, and even comforts of life, to be independent, and to preserve their integrity unsullied by the temptations of avarice or ambition. His ancestors, may, therefore, be said to

have for ages rivalled in that respect the happiness of Claudian's Old Man of Verona. (*) (*See his History, p. 126.*)

The date of his birth is not exactly known, but as he is described, when he presented his library to the Island in 1736, to have been then nearly Eighty years of age, he must have been born during Cromwell's protectorate. The Register of his native parish, St. Saviour, had been much neglected during that agitated period, and there were very few entries made in it from 1645 to 1660.

There is nothing known about the early part of his life, where he was educated, or what induced him to turn his views to the Church. It appears from his History, that he was related by the mother's side to the ancient insular family of the Dumaresqs, that he was left an orphan, and that one of the Bandinels, was his guardian, which may account for his suppression of certain facts relating to Dean Bandinel. (*p.p. 34, and 205.*) After passing over those scattered notices, and other traditionary particulars, the first mention we find of him is in the Oxford Graduate, where his name occurs as having taken his degree of Master of Arts, from Alban Hall, June 8th, 1676.

He had not been long in Orders before he was presented to the living of Trinity parish. This happened in the latter part of the Reign of Charles II, and he afterwards exchanged it for that of St. Saviour's, in 1690, which latter benefice he retained till 1709, when he resigned it, and settled in England, where he remained to the end of his life.

There is a tradition that while he resided at Trinity, he paid his addresses to one of the daughters of Clement Le Couteur, the then Dean of the Island, and a sister in law of Charles De Carteret, Esq., of Trinity Manor. The match

(*) *Felix qui propriis ævum transegit in arvis !
Ipsa domus puerum, quem videt ipsa senem.*

Claud. de Sen. Veron.

How blest the man, who never sought to roam
Beyond his acres of paternal soil !
Whose age has still that cottage for his home,
That saw the efforts of his boyish toil.

was broken off by the interference of her friends, and as to Mr. Falle, he never was married.

This disappointment was probably severely felt, and might have occasioned Mr. Falle's subsequent opposition to the claims of Mr. De Carteret, as Seigneur of Trinity Manor, to nominate the Master of St. Manelier's School. The Patent, which had granted that nomination to the Dean and benefited Clergy, had been mislaid, and Mr. De Carteret, relying on some very ancient, but unofficial Documents, claimed the right to appoint the master, and when the matter was brought before the Royal Court, he succeeded in his pretensions. Mr. Falle was not however to be so easily discouraged. He and Mr. Dumaresq, the Rector of St. Clement's, appealed to his Majesty in Council, where on producing an authentic Copy of the Patent from the Rolls, they obtained a judgment in their favour, and a reversal of the decision of the Royal Court. (*See page 217, and Order of Council of November 16, 1693.*)

The writer of this Sketch was favoured, not many years ago, with the perusal of the printed Case in that affair, which had probably been drawn up from Mr. Falle's own instructions, in which the Dean, Mr. Le Couteur, was treated with great acrimony, and the mediocrity of his capacity was ridiculed with the most unsparing contempt. And yet Clément Le Couteur, so far from being either a mean or a worthless individual, was a man of a saintly character, whose unaffected piety and unbounded benevolence, were not only an honour to his profession, but to human nature. He was Rector of St. John and Dean of Jersey, from 1670 till his death in 1714, at the good old age of Eighty-four.

In 1687, Mr. Falle published a Sermon on the Eucharist, and another on the Duties of a Military Life, in 1692. The former of those Sermons was in French, and the latter having been preached before the Garrison, was in the English Language. Those discourses are now seldom to be met with, and this short notice of them is taken from a blank

page of the first Edition of his History of Jersey, in which they are advertised.

While Mr. Falle was resident on his benefices in Jersey, his name frequently occurs in the proceedings of the insular States, of which a man of his extensive knowledge and integrity could not fail to have been a distinguished member. This is evident from his having been, on several occasions, named to act in the Committees of that Assembly.

We are now come to the most important part of Mr. Falle's life. During the early part of the reign of William III, the French had obtained a certain ascendancy at sea, which caused serious inconveniences to an island like Jersey, whose trade was not only nearly annihilated, but itself kept in continual alarm, and as it were, in a state of blockade. The States, in that emergency, resolved to send over Deputies, with an Address, to lay their precarious situation before their Sovereign, and to implore his assistance. Accordingly they named a Deputation for that purpose on the 6th of September, 1692, and Mr. Falle was one of the members entrusted with that important mission. As to the Address which was then voted, he has preserved it at page 89 of his History, and it is probable that it came from his pen; but it is not registered in the Book of the States. Its object was not merely congratulation, though it contains enough of it; but to place the island in a respectable state of defence.

On the arrival of the Deputies in London, John Durell, his Majesty's Solicitor for Jersey, and Mr. Falle, were introduced to a private audience of William III, by Lord Jermyn, who was then Governor of Jersey. The Deputies had then the honour to present their Address, and to kiss his Majesty's hand. They were most graciously received, and were commanded by the Sovereign himself, to assure their countrymen of his care and protection. (*Feb. 6, 1692, 3. First Edition, p. 45.*)

It is from that date that we may reckon Mr. Falle's subsequent advancement; and as laymen are often

knighted on being presented to the King, so he had the honour of being appointed Chaplain in Ordinary to his Sovereign.

On his return to Jersey from that successful mission, Mr. Falle and his colleague John Durell, were favourably received by the States. But as they did not receive a vote of thanks till some time after; it is probable that Mr. Falle revisited England on private or public business a second time. (*States, 20th Dec. 1694.*) As to Mr. Durell, according to Mr. Le Geyt; he became Secretary to an embassy, and residing in London was at different times employed as Deputy for the affairs of the Island. (*Le Geyt, Jurisdiction, Chap. V.*)

It was during that Deputation to England that Mr. Falle first entertained the design of writing the history of his native country. His reasons are stated at full length in the Preface to his Second Edition, the chief of which were to make the Channel Islands better known to the English public, and to shew their general importance to the Empire at large. Impressed with that truly patriotic object, he hastily prepared his first Edition on his return home. It was published in London in 1694, and dedicated to King William III. This work, though but a skeleton of the Second Edition; was well received, and some years after, Mr. Le Geyt referred to it as an authority, in his Manuscript on the Jurisdiction of the Royal Court. (*Chap. IV. Des Jurés.*)

While Mr. Falle resided in Jersey, his name often occurred as a suitor in the proceedings of the Royal Court; but it is uncertain, whether it arose from a litigious disposition, or whether he was frequently placed in that unpleasant situation, when a man is obliged to defend his just rights by compulsory measures. It is curious that he has given his own views about people, who are obliged to go to law, and has vindicated their conduct. (*See p. 221.*)

His patrimonial estate consisted of about fifty *vergées* of land, which, with the income he derived from his benefice, and in a small country like Jersey, placed him in perfectly independent circumstances. His talents and his integrity

could not fail to render him moreover a person of considerable influence. It is not known what motives induced him, when thus placed in an enviable situation of peace and competence, to extend his views beyond his beloved country, or what patronage enabled him to gratify his ambition. It seems to be most probable, that it was his successful Deputation to England in 1692, which gave him an opportunity of making himself known, and which opened to him the path to English preferment. Be it as it may, his success in life was eventually to the advantage of his native Island, as it afforded him the means, and the opportunities of forming his valuable Library, which he could have never accomplished, had not his merit enabled him to emerge from the humble rectory of St. Saviour. (*See Mr. Morant's Letter, p. 266.*)

It is more than probable that he had the protection of Lord Jermyn, the Governor of Jersey, to one of whose daughters he had dedicated one of his Sermons. As to any other connections, which he might have formed in England, we know absolutely nothing; and it is better to be thus far candid, than to hazard conjectures, which might not only be unfounded, but tend to throw discredit on those parts of this Sketch, which can be supported by competent authorities.

The title page to his first Edition in 1694, represents him as having been then Chaplain in Ordinary to the King; but it is unknown how long he remained in Jersey after that period. It is nevertheless certain, that he did not reside in Jersey for many years, before he resigned the living of St. Saviour. When he was sued with his Churchwardens, before the Royal Court, in 1699, the business was put off, on the ground that he was then absent in attendance on His Majesty in Holland, as one of his Chaplains. The parish Register also mentions some of his Curates at St. Saviour, previous to his resignation of that benefice.

The date of his obtaining a stall at Durham, and the living of Shenley, near St. Alban's, must be left in obscurity, as well as the time when he fixed his residence at the latter place. The Rectory of Shenley is a valuable one, though it

cannot now be ascertained, what it was actually worth in Mr. Falle's time. (*) The removal of Mr. Falle to England did not abate his attachment for the land, which had given him birth. In 1734, he published the Second Edition of his history, the best memorial of his abilities and of that patriotism, which will endear his name to the latest posterity of his countrymen. Soon after he made a present of his valuable collection of books to the Island, the intention to do which he had already intimated in his History, (*p.p.* 218 and 454.) The States of the Island in consequence erected a suitable building for their reception, where, with the additions subsequently made by the late Dr. Daniel Dumaresq, they constitute a most important literary treasure, and offer immense facilities to the classical and theological student. The pictures of that worthy Founder and of Dr. Dumaresq are preserved in the Library.

Mr. Falle lived a few years longer, and closed his protracted and honourable life at Shenley, when he was nearly Ninety years old. It was his particular good fortune, that his very long life was not chequered by any of those severe and unexpected vicissitudes, which have so often, and so cruelly embittered the lives of other distinguished men. But he was principally indebted for that happy result, to his implicit conformity with the opinions and the prejudices of his age; for what has been a religious or a political merit at one time, has at other periods been a grievous offence, and the source of much unhappiness. This has been the fruitful origin of unspeakable misery to many wise and eminent men, who have been the victims of their own imprudence, for either speaking or acting prematurely, when in opposition to the spirit and the prejudices of their times.

Mr. Falle's patrimonial estate in Jersey came down unim-

(*) Shenley is thus mentioned in Ecton's Thesaurus, London Edition, 1763, page 226.

Diocese of Lincoln, Hertford.

£16 08s. 01½d. Shendley, R. St. Botolph. *Vocat.* Shendley Spelhurst.
Mrs. Newcombe, *Patroness*, £1 12s. 09¼d. yearly Tenths.

paired, but without accumulations, to the descendants of his two sisters, who are now represented by the Rev. David Durell, one of the Prebendaries of Durham, and by Thomas Anthoine, Esq., of Longueville, in St. Saviour's parish. The estate has been sold in several parcels to strangers, but the farm house, which is but at a short distance from St. Manelier's Grammar School, is, judging from its antiquated architecture, the very same as when it was inhabited by Mr. Falle, a picture of whom is still preserved there, in one of its best apartments, as a valuable heir loom.


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CÆSAREA ;

OR,

AN ACCOUNT OF JERSEY,

THE GREATEST OF THE ISLANDS REMAINING TO THE CROWN OF
ENGLAND, OF THE

ANCIENT DUTCHY OF NORMANDY.

WITH AN APPENDIX OF RECORDS, &c.

BY PHILIP FALLE,

SOMETIME RECTOR OF ST. SAVIOUR'S, AND DEPUTY FROM THE
STATES OF THE ISLAND TO THEIR MAJESTIES KING WILLIAM
AND QUEEN MARY.

TO WHICH ARE ADDED, IN A LETTER TO THE AUTHOR :—

REMARKS ON THE XIXth CHAPTER OF THE
II^d BOOK OF Mr. SELDEN'S MARE CLAUSUM,

BY PHILIP MORANT, M. A.

The Fourth Edition, revised and much augmented.

At the Parliament holden at *Westminster*, the *Wednesday*
next after the Translation of *St. Thomas the Martyr*.
An. 14. Edw. III.

Remembrances for the King, &c.

To keep the Sea, and to purvey for the Navy, and to
defend the Isles of JERESEY, and *Guernezey*.

Sir *Robert Cotton's* Abridgment of the Records
in the Tower of *London*, fol. 29, n. 28.

JERSEY :

PRINTED AND PUBLISHED BY RICHARD GIFFARD,
St. Saviour's Road.

1835.

Received of the Treasurer of the
Board of Education the sum of
Five Dollars for the year ending
the 31st day of June 1880

Wm. H. ...

Witness my hand and seal this 1st day of
July 1880

Attest my hand and seal this 1st day of
July 1880

Wm. H. ...

Wm. H. ...

Wm. H. ...

Wm. H. ...

TO THE KING, *

SIR,

The design of this Book, humbly laid at YOUR MAJESTY'S feet, is to give some Account of an Island, which, though subject to Your Royal Predecessors, Kings of England, upwards of six hundred years, and seated in the Channel, is less known than some others of YOUR MAJESTY'S Dominions and Islands that are later Acquisitions, and removed to a greater Distance. The Knowledge of us may possibly be of use to YOUR MAJESTY'S Service, and minister to some of those Great Ends of Providence for which God (we trust) has raised You up, and are one day to be wrought by Your Means.

Ever since our Ancient Dukes exchanged their Coronet for that Imperial Crown which YOUR MAJESTY now wears, we have been noted for our Fidelity to our Kings. We glory not in the extent or riches of our Country, which we confess cannot enter into Comparison with the least of those Provinces that constitute Your Great Empire; but we glory in our Loyalty, which we have kept unblemished to this Day.

What profound Veneration then must we needs now have for a matchless Pair of incomparable Princes, whom God has given to these Nations in his Love!

That Heaven would preserve YOUR MAJESTY from the many dangers to which You daily expose Your Sacred Person, and crown with success the justice of Your Arms, is the hearty Prayer of,

May it please YOUR MAJESTY,

YOUR MAJESTY'S

Most humble and most faithful

Subject and Servant,

PHILIP FALLE.

(*) King William.

THE HISTORY OF THE

REIGN OF

CHARLES THE FIRST

BY

JOHN BURNET

OF THE UNIVERSITY OF OXFORD

IN TWO VOLUMES

THE SECOND VOLUME

CONTAINING

THE HISTORY OF THE

REIGN OF

CHARLES THE FIRST

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THE HISTORY OF THE

REIGN OF

CHARLES THE FIRST

BY

JOHN BURNET

THE PREFACE,

TO THE

FIRST EDITION. (*)

THE Island of JERSEY, with the others adjacent, is of that importance to *England*, and the loss of it would be attended with consequences so prejudicial to this Crown; that 'tis fit the Nation should understand the interest it has in the preservation of that Place; which, of all other their Majesties Territories, is, by its nearness to *France*, the most exposed to an Invasion from thence. Therefore I presume, it will not be so much a wonder that an *Account* should be given of it now, as that none should have been given heretofore; none, I mean, explicate and particular enough.

For though *Hollingshead* (†), and *Speed* (‡), and especially Mr. *Camden* in his *Britannia* (§), have each attempted a Description of all these Islands, they have done it so briefly, and from such imperfect Memoirs, that they can give but little satisfaction to an inquisitive Reader. Dr. *Heylin* is he who has wrote the fullest concerning them. In the Year 1628, he attended the Earl of *Danby* (||) kither, as his honorary Chaplain, and so had the advantage (which the others had not) of being upon the Spot, and seeing things with his own Eyes. But it was not possible that in *one Week* (1), which was the whole time of his abode in JERSEY (¶), he should gain any other than a very superficial Knowledge of our Affairs; besides that he took more pains to inform himself of our Religious than of our Civil or Military State, as indeed it became one of his Functions to do. He found the Liturgy banished, and a Classical Government

(*) With some Amendments.

(†) Description of *Britain*, pag. 32.

(‡) Theater of *Great Britain*. Book I. Ch. xlviij. pag. 94.

(§) De Insulis Britannicis. pag. 854.

(||) Of the name of *Danvers*, Governor of *Guernezey*. See hereafter at Note 41.

(¶) In *Guernezey* he staid longer, viz. about three Weeks.

and Discipline introduced into Three of the Islands (*), contrary to the Original Establishment at the *Reformation*, when all the Islands without exception followed the Pattern set them in *England*. This put him at his return upon drawing up a *Relation of his Voyage*, and of the Observations he had made, and laying the same before Archbishop *Laud*, then Bishop of *London*, with intent that by the credit and interposition of that Great Prelate; whose zeal for the honour and advancement of Religion was well known to him, those Islands might be brought back to that Conformity to the Church of *England*, from which they had been unhappily seduced. Soon after bad Times came on, unapt and indisposed for every good Work, productive of every evil one, and the Archbishop fell a sacrifice to the rage and madness of a wicked Faction. Whilst he lived, and the *Relation* remained with him in manuscript, the Doctor would not presume to make it more public. But that great and good Man being laid asleep in the bed of peace, the latter thought himself restored to the Right of an Author over his Work; and therefore having resolved to give the World an account of a former Journey through some parts of *France*, he took the occasion to subjoin the said *Relation* to it, and both were printed together in one Volume (†). Now though Religion was the principal Argument the Doctor had under consideration, and for the sake of which he wrote the Book, he nevertheless would allow himself some room for Remarks on our Constitution, and particularly for doing us justice with regard to those great and momentous Points wherein our chief Glory must ever consist; namely, our inviolable Attachment and Fidelity to the Crown of *England*, our no less deeply rooted aversion to the *French* (2), the Courage and Bravery of our Fathers in so manfully withstanding all along the repeated Attacks of that formidable Enemy, and lastly, the opportunity and advantage which these Islands

(*) *Viz. Guernezey, Alderney and Sark. JERSEY had returned to Conformity before, but these stood out till after the Restoration.*

(†) With this general Title, *A full Relation of two Journeys, the one into the Main-land of France, the other into some of the adjacent Islands.* Lond. 1659.

bring to the Power that possesses and is master of them for the command of the *Channel*. *These Islands* (says he) *are the only remainder of our Rights in Normandy, unto which Dukedom they did once belong. Ever since they were annexed* (3) *unto the English Crown, they have, with great testimony of Faith and Loyalty, continued in that Subjection. The Sentence, or arrest of Confiscation, given by the Parliament of France against King John, nor the surprizal of Normandy by the French Forces, could be no persuasion unto them to change their Masters. Nay, when the French had twice seized on them during the Reign of that unhappy Prince, and the State of England was embroyl'd at home, the People valiantly made good their own, and faithfully returned unto their first obedience. In after times, as any War grew hot betwixt the English and the French, these Islands were principally aimed at by the Enemy, and sometimes also were attempted by them, but with ill Success. And certainly it could not but be an Eye-sore to the French, to have these Islands within their sight, and not within their power; to see them at the least in possession of their ancient Enemy the English, a Nation strong in Shipping, and likely by the opportunity of these Places to annoy their Trade. For if we look upon them in their Situation, we shall find them seated purposely for the Command and Empire of the Ocean* (4); *the Islands lying in the chief Trade of all Shipping from the Eastern Parts unto the West, and in the middle way between St. Malo's and the river Seine, the only Traffick of the Normans and Parisians. At this St. Malo's, as at a common Empory, do the Merchants of Spain and Paris barter their Commodities; the Parisians making both their passage and return by these Isles; which, if well aided by a small power from the King's Navy, would quickly bring that intercourse to nothing. An opportunity neglected by our former Kings in their attempts upon that Nation, as not being then so powerful on the Seas as now they are, but likely for the future to be husbanded to the best advantage, if the French*

hereafter stir against us. Sure I am that my Lord Danby conceived this Course of all others to be the fittest for the impoverishing, if not undoing of the French; and accordingly made proposition by his Letters to the Council, that a Squadron of eight Ships might be employed about these Islands for that purpose; an advice which had this Summer took effect, had not the Peace betwixt both Realms been so suddenly concluded. And a little after, speaking of the great Privileges granted by the Kings of England to the Inhabitants of these Islands, he adds, *These Privileges and Immunities, seconded of late days with the more powerful band of Religion, have been a principal occasion of that constancy wherewith they have persisted faithfully in their Allegiance, and disclaimed even the very name and thought of France. For howsoever the Language which they speak is French, and that in their Original, they either were of Normandy or Bretagne, yet can they with no patience endure to be accounted French, &c.* Thus far Dr. Heylin with great candour, and no less truth (*).

But his Book being now little known, and more perfect Notices of the Islands still wanted, a very learned and worthy Magistrate of JERSEY, *John Poingdestre Esq.*; did some years ago undertake to account for this Island in particular, of which he was a Native; And how well accomplish'd he was, not for such a Work only, but for any much greater, let this short Character of him declare (†). He was the first fellow chosen into *Exeter-College* in Oxford upon the foundation of the Blessed Martyr King Charles I (‡), thence afterwards ejected for his Loyalty by the Parliament-Visitors. His Skill in Languages (§), his

(*) Full Relation, &c. See Note 154, 155 and 156.

(†) I had, in the first Edition of my Book, inserted the *Latin Inscription* on the Monument set up for him in the Church of St. Saviour. What is said of him here, is in Substance but the same that is said there, only put into *English* for more general information.

(‡) See further Note 172.

(§) He was esteemed one of the best *Grecians* in the University, able to restore and give a new Editon of *Hesychius* the *Lexicographer*, which was long expected from him.

acquaintance with the *Civil* and *Roman Laws* of which he had made a particular Study, the exquisite beauty and mastery of his Pen (*), these recommended him to the Court, and introduc'd him into the Secretary's Office under Lord *Digby*, where he continued till the King's Affairs were grown desperate. Then was he forced back into his own Country, to live upon his private fortune, and was assistant in the defence of the Island and of *Elizabeth-Castle* against the Forces of the Rebels. After the *Restoration*, his Services were had in remembrance, and his great Abilities considered; and so he was made *Lieutenant-Bailly*, which honorable Post he enjoyed several years. He kept his Seat on the Bench, as *Jurate* (5), to his Death in 1691. It was indeed a disadvantage to him, to act on so narrow a Theater as this little Island, where he had not Scope to exert his Talents; yet even that makes for his honour, as on the contrary, nothing can be more despicable than a Man placed in a large Scene for Action, and wanting Capacity to fill it with Dignity. All this, and much more, I am enabled to say from the intimate Knowledge I had of him; who was my Parishioner at *St. Saviour's*, my near Neighbour and singular good Friend; and whom having according to my duty assisted in his last most Christian Moments, I committed to his peaceful Grave, aged Four score and three. Now as to that for which he is remembered here, *viz.* his writing about this Island, surely none was so able to do it as he; none having so thorough an insight into the whole frame of our Constitution and Polity. His long exercising the Magistrature, had made our Laws and Judicial Proceedings, our Customs and Usages, familiar to him. He had transcribed all our Charters, and reduced our Privileges into a sort of System, branching them out under proper Heads (6). And as to Historical Antiquities and Researches, he had from his earliest days been collecting all he could find of that kind in Print or upon Records, relating to us. Out of this Store he compiled his Book,

(*) The beautifullest *Greek Types* of the *Stephens*, scarce excelled his handwriting in that Language.

which after all never appeared otherwise than in loose Sheets, communicated to a few Friends, and too plainly wanting his finishing hand. I was favour'd with a Transcript of it in his Life-time, and after his decease, his Son, understanding that I was about taking up and prosecuting the same Subject, added a further Supplement of Papers, with full power to publish them and all that was his Father's, as my own. But I am not so vain, to arrogate to myself the praise due to another Man's Labours. Therefore I do frankly acknowledge, that in the present Undertaking I do but write after that excellent Man's Copy. And though I allow myself the Liberty of altering his Method, supplying his Omissions, leaving out or but slightly glancing at some things which he dwelt upon more copiously, nay, differing from him in some particulars, in short, making such Changes in the whole, as that to one who considers both, we may seem to have pursued different Designs, yet still I must own that the Foundation on which I build is his, and a great part of the Materials employed in this Work, likewise so much his, as to be sometimes laid down and delivered in his own Words.

I am also obliged to another of our Magistrates, *Philip Dumaresq, Esq. ; Seigneur de Samarez*, for a set of curious Observations, which he was pleased to impart to me a little before his Death. This is that very ingenious Gentleman, who having (with proper assistance) survey'd the Island, and Sounded the Bays and Harbours around, gave us that fine *Draught* which graces the front of this Book, and is equally calculated for a *Sea Chart* and a *Land Map* (7). To fit it for the place where it stands, the Engraver was necessitated to contract it into a lesser form, from the original, done on a large Skin of Vellam.

Let none despise this Work, because it treats of a Country of no greater extent, and that makes so little noise in the World. For as the Power and Wisdom of God are no less seen in the production of the minutest Insects, than of the more glorious parts of the Creation, so his Providence is no

less to be admired in the preservation of the smallest States, than of the greatest Empires of the Universe (*). Is it not indeed marvellous and astonishing, that in the Course of more than eight hundred years, wherein so many surprizing Revolutions have happened in the World, Kingdoms overthrown, Nations plucked up, Cities destroyed, almost every thing every where turned upside down, scarce any sensible Change, none at least very fatal, has been felt in these Islands? But if ever the mighty hand of God appeared signally in favour of a People, 'tis in the wonderful Deliverance he has wrought for us, during the long run of so many Ages, from a Power that has made all others, far and near tremble by turns before it, whilst it has not been able to prevail against us, who are in a manner contiguous to it. Every one that reads this knows I mean the *French*, who have seldom neglected any opportunity of adding to their Dominions, and dilating on all hands their Frontiers. What vast Acquisitions, what Conquests, have they not made from ancienter Times down to the present Days! How many Battles have they fought, how many Victories have they won! They have recovered, and reunited to their Crown, those goodly Provinces, which had been dismembered from it under the weak Successors of *Charlemagne*, and erected into seperate Sovereignties, as *Bretagne, Provence, Dauphiné, Burgundy, Champagne, Loraine* (†), &c. They have regained those which the *English*, with so much reputation and honour, had won from them heretofore, or which were the old and undoubted Patrimony of our Kings, or had been acquired by Alliances and Marriages with the Heiresses of those fine Countries, as *Normandy, Maine, Anjou, Poictou, Aquitaine*, &c. They have pierced through the *Pyrenées* and the *Alps*, and carried their Arms into the Bowels of *Italy*. They have passed the *Meuse* and the *Rhine*, turned the fertile Plains of the *Netherlands* into an almost perpetual Scene of War and Blood, and with their Swords have cut

(*) *Deus maximus in minimis.*

(†) *Lorraine* was restored to its Duke by the Peace of *Ryswick*. (s)

their way through the thick Forests of *Germany*. They have improved their Navigation to a degree as is become terrible to their Neighbours, and they who once knew little more than their own Coasts, cover now the Ocean with mighty Fleets (*), and have enlarged their Empire beyond some of the remotest Seas. And yet these Men, who every where else have met with such prodigious successes, have been alwaies defeated in their Attempts upon these Islands. As if that narrow Current, that divides our Shore from their Continent, had, by some secret order of Heaven, been decreed to be a Boundary to their Conquests on this side, which on all others have forced the strongest Barriers of Nature, and whose swift progress neither Mountains, nor Rivers, nor Seas, have been able to obstruct. I think that every one who owns the Providence of God in the Care and Government of the World, must acknowledge something extraordinary in This, and must give him the glory of our rescue and preservation.

'Tis indeed a special Mercy of God, that in all this time that we have not been swallowed up by a Power which has born down so many others, much more able to defend themselves, and placed at a greater distance. For besides the loss of our Civil Liberties, and falling under a Yoke so uneasy to all that bear it, what could we expect, but the loss also of what is infinitely dearer to us, *viz.* our Holy Religion, and a sad share in those horrid Persecutions that have laid waste a flourishing Church, and forced some Hundred Thousands of innocent Persons to abandon their habitations, and seek in Foreign Countries the liberty of serving God according to their Consciences, which they were not suffered to enjoy at home? Whereas by our remaining united to the Crown of *England*, we live under an easy and gentle Government; we are subject to a merciful Throne, from which we derive abundant acts of Grace and Favour, and to which we are never denied access under our Pressures; we enjoy the

(*) The Reader will remember that this was written before the burning of their Ships at *la Hougue*.

best Religion, and have Communion with the best Reformed Church in the Christian World.

May that Great God who presides over Human Affairs, and in whose hand are the Fates of Nations, continue these Blessings to us the Inhabitants of this Island, and may we ever walk worthy of them! May we, as long as the World endureth, remain unseparable from that Crown from which (under God) these Blessings flow to us! May *Their Majesties*, by great and repeated Victories, soon bring their Ennemies to a necessity of defending their own, instead of invading the Dominions and Territories of others! And may the whole *English Nation* be excited into a generous Compassion of those Dangers which surround us, and be wrought into a belief that we cannot perish without at least a great diminution of their Glory!



AN INTRODUCTION

TO THIS

SECOND EDITION.

THIS *Account* of JERSEY first appeared abroad nine and thirty years ago, in the time of King *William's* War with *France*; and was drawn up and published with a view to that War, and to the Dangers which we of this Island apprehended ourselves in from it. The *French*, through a long course of Prosperity, had carried their Naval Power to a formidable height. On the confidence of their own single Strength, they boldly dared to face and engage the combined Fleets of *England* and *Holland*. After the unhappy Affair at *Beachyhead*, they had the *Channel* open and unguarded before them, and thereby opportunities to make Descents. And if by that Misfortune, so great a *Consternation* spread itself through the whole *Kingdom*, as the Historian relates (*), and many yet living may remember, how much greater and juster must our Fears be in this small Island, seated within that very *Channel* where they ranged and triumphed without opposition! The *Revolution* had been followed by great troubles and convulsions in the Three Nations, which had taken up the whole attention of the Government, and diverted it from us, so that we were left in great measure destitute of the most necessary things for our Defence. But it pleased God so to infatuate the Counsels of our Ennemies, that instead of making an Attempt upon us, they bent their course Westward, and contenting themselves to plunder and set fire to a few Villages on that Coast, retired into their Harbours.

The War went on to rage with great Fury and threatened a long continuance. The Event seemed doubtful and uncertain. We were sufficiently warned not to run again the hazard of being found unprovided in a time of exigency and distress. Therefore in an *Assembly of the States*, held to consult about our future Security, it was resolved to depute above, and to lay an humble Representation of our danger and wants at the foot of the Throne; and the

(*) Complete History of *England*. Vol. III. pag. 562.

Author (9) of these *Papers* (in conjunction with a worthy Gentleman since deceased (*)) was called out for that Service.

We found easy access to the Royal Presence, Our Address was well received, and had all the success we could reasonably desire. Which even now at this distance of Time, I take pleasure to mention with due honour and gratitude to the Memory of those *Two excellent Princes* who then jointly swayed the Scepter of these Kingdoms (†). The King had too discerning and true a Judgment, not to see what a fatal Error it would be to suffer the *French* (grown as they were so powerful at Sea) to make themselves Masters of Islands, whose commodious Roads and Ports, better than any on their own Coast (‡), might enable them to obstruct the Navigation, and in time dispute the Sovereignty of the *Channel* with *England*. The Lords and Great Men of the Court, as occasions offered to make application to them, happily concurred with His Majesty in the same kind concern for our Safety ; and I cannot forget a most obliging expression of the Lord Chamberlain, the Earl of *Dorset*, who, speaking to myself, said in his usual polite manner, that *he looked on these Islands as the prettiest flower in the English Diadem*, concluding with assurances of service. His Majesty's gracious promise of Protection was soon made good by a large supply of Warlike Stores, which put us in a condition (under God's assistance) to repell force with force, and not be made an easy prey to an Invader.

On the other hand, there were not wanting those, who made no great account of what might be our Fate in the course of the War ; as though it had been a matter perfectly indifferent, whether these Islands remained in *English*, or passed into *French* hands. Some I found to have very wrong and injurious, others very lame and imperfect notions of us. To many we were as great Strangers, and as much unknown, as if these Islands had been situate, not as they are in the *British Channel*, but some Degrees beyond the

(*) *Nicholas Durel*, Esq; their Majesties's Advocate or Solicitor.

(†) *King William and Queen Mary*.

(‡) *Viz. their Coast on the Channel*.

Line. Here then it was that an honest Zeal for my Native Country, suggested the Thought of doing something that might place us in a better light, remove prejudices and rectify misapprehensions concerning us. For though we stood secure of His Majesty's favour, and of the good opinion of the Court, it seemed very desirable to have the Body of the Nation come into the same Sentiments and not be unconcerned at what should become of us.

Such was the Occasion that gave birth to this Book, from which time to this I have seen no cause to repent the writing of it, inasmuch as it has made us better known, and by making us better known has (I trust) made us more valued and esteemed. There is a stop put to that contemptuous manner of treating these Islands, which was too common before; nor has any Man the face now to say, that it were better for *England* to be without them. The only thing that sticks with some, is the Charge which keeping of them brings upon the Nation. But that is the Voice of Men, who measure the Interests of Crowns and Kingdoms by the narrow rules of Private Interest. For these Islands are to be considered as a Frontier, or Advanced Guard towards an Enemy's Country. And such Places do always, in the very nature of them, suppose and infer a Charge for Forteresses and Garrisons. Should the *French* by the Conquest of these Islands (which God forbid) extend themselves into the *Channel*, they would repine at no expence laid out upon them. And then *England* might possibly in few years see another *Dunkirk* (*) rising here out of the

(*) *Let this that follows serve for a proof of what the French might do here, if they were Masters. Towards the end of the Reign of King Charles II, some able Engeneers, with the Lord Dartmouth, were sent to take a more perfect View of these Islands; and on that side of Guernezey which lies to the North-West, and looks into the Channel, they found and pitched upon a Place excellently fitted by Nature for the construction of a Mole and Bason, wherein a Fleet of capital Ships might lye. A Draught was made of the Port, and an Estimate brought in of the Charge. But the Work remained without execution by reason of the bad state of the Exchequer at that time; and the King lived not to resume the same, when his affairs were in a better condition. Such a Place as this in the Channel, to be a Station for large Men of War, the French would purchase at any rate; having in all their Coast from Dunkirk to Brest none but Havres de marée, i. e. Tide-Harbours, wanting a sufficient depth of water for such great Ships.* [From the Memoirs of the Sr. de Samarez.]

Sea, and lament too late it's unpolitic management, if by neglecting us to save Charge, the Ennemy were left to accomplish at last what they have so long aimed at in vain. But there is another Consideration, which perhaps may have more weight with those who make the forementioned Objection. And that is, the benefit and advantage accruing to *England*, from the continual Intercourse with it which our Dependance necessarily creates. For in that Intercourse, whether by Commerce and Traffick, or by other Waies, which are various and many, the Ballance is so much on the side of *England*, that though it were at a greater Charge than in truth it is for our Defence, it can never be a loser by Us, but must remaine a gainer. This is capable of Demonstration, and will be remembered again when I come to speak of the Trade of this Island.

The Book being long since out of print, and a continual demand made for it, the Bookseller has been encouraged to undertake and to request my help for a *Second Edition*; which now comes forth, though not at so favourable a conjuncture as when the same Book made it's first appearance. That was, as is said before, during the War which followed the *Revolution*, and was occasioned by it. The People of *England*, in defence and vindication of their Settlement, and to maintaine the Crown on the *Two Illustrious Heads* whereon they had placed it, in which they were opposed by *France*, never engaged against an Ennemy with more resentment and spirit than they then did against that Nation. It naturally fell in my way, when I was speaking of the many repeated Hostilities of the latter against these Islands, to tax their Ambition, lust of Dominion, and injurious Treatment of their Neighbours. And this striking in with the sense of every Patriot and good *Englishman*, procured to my Book a kind reception, and made it be read with approbation and favour. But now the Case is altered, and we are at amity (if not in Alliance) with those towards whom we then stood at mortal Defiance. Which may, in the opinion of some,

render those Reflexions on the *French* ill-timed and unseasonable at such an hour as this. Here therefore I must intreat the Reader, to withdraw his Attention from present Appearancees, carry it *forty years* back, and as he goes along with the Book, fancy himself reading it at the Time it was first published (*); that memorable Time when we were striving and struggling so hard with *France*, for our own and the Liberties of all *Europe*. The remembrance of that Time ought not surely to be erased out of Books, in compliment to a reconciled Enemy. Nor is History to ring Changes forwards and backwards, in compliance with, and to accommodate itself to the inconstancy of Human Counsels and Projects.

In regard to our own quiet and security, no Situation can be more unhappy than that of these Islands, lying as they do betwixt *Two Mighty States*, often at war, at best but at an uncertain (if not assidious) Peace with each other. By one of those Powers they are, and have been for many Ages, as of right they ought, held and possessed. By the other they are, and have been long coveted and envied. Our Friends, of whose prompt assistance we would gladly be sure in time of need, are rather too far off; whilst our Enemies are so near, that in three hours they can be upon our Coast; and 'tis this *nearness* that attracts their Envy, and makes them cast so many longing looks towards us. If we were farther off, possibly they would not think of us. And this remembers me of a Word in their Language, which has pretty often helped them out, and served to give a colour to their Usurpations. 'Tis what they call *Droit de bienséance* (†), the meaning of which in plain *English*, is, a *Right* to seize on all they find to lie *near and convenient* for them. Thus *Naboth's Vineyard* was at the *bienséance* of

(*) *Il faut toujours lors qu'on lit une Histoire, songer au Temps ou l'Auteur a écrit.* Voltaire Hist. de Charles XII. Roi de Suède. Disc. pag. IX.

(†) *Les Princes occupent souvent des Places par Droit de bienséance—parce qu'elles sont a leur bienséance—qu'elles assurent et arrondissent leur frontières.* Furetière. *It cannot be denied but this has been done by other powers, but by none so openly and avowedly as by the French.*

Ahab (*). It lay near the *Palace*, and was convenient for making a garden to it. True it is, that these Islands are too small to bring any considerable addition of Territory to a Monarchy already so vast, and so widely extended. But those reasons of nearness and convenience, will alwaies make them valued and desired preferably to other Acquisitions, that are, though larger yet more remote. And this shews what dangerous Neighbours the *French* are to us. Nor is it possible it should be otherwise, unless the Islands could be removed from the place where they are, and transplanted somewhere else. Nay, if instead of dangerous Neighbours, I should say *Natural Ennemies*, that Circumstance alone of *Situation*, and of our nearness to them, would warrant the expression [as harsh as it sounds. For even Peace itself cannot alter that Circumstance, nor so far operate, as on one side to cure an inveterate Ambition, and on the other extinguish reasonable Fears and Apprehensions. It may seem a Paradox, but what I am going to relate will evince, That be it War or Peace, we are almost equally insecure.

The *Dutch* having in the year 1665, provoked *England* to a War, by Encroachments on it's Trade, and other Insolencies, they called in the aid of the *French*, pursuant to Treaties subsisting between them; and the *French* accordingly went into that War, as Seconds and Auxiliaries to the *Dutch*. Nevertheless that artful Court would seem to keep measures with *England*, and the Mother of our King (†) being at that time in *France*, *Lewis XIV.* took himself the pains to assure her of the constancy of his affection for his *Britannick Majesty* (§), desired the same might be reciprocal, and excused his granting succour to the *Dutch*, by the necessity of answering Engagements from which he could not readily depart with honour. One can scarce tell what name to give to a War entered into by the two Courts without anger, or breaking upon mutual Civilities and professions of Friendship. The Writer of the Life of

(*) Kings xxi. 1, 2.

(†) Henrietta Maria, Queen-mother of England.

(‡) Compl. Hist. of England, Vol. III. pag. 258.

Lewis XIV. in the *Supplement to Mezeray*, calls it not improperly *une guerre simulée*, i. e. a collusive and dissembled War (*).

And who would imagine any Danger to these Islands from such a War? They were notwithstanding never nearer the brink of ruine and destruction than at that very time. A base and perfidious *Designe* was laid to fall upon them suddenly, whilst the Court of *England* was lulled into security by the deep *Dissimulation* of the *French*, the whole Naval Force of the Kingdom employed against the *Dutch*, it's Capital City depopulated by a *Plague*, and this presently after followed by a most dreadful *Conflagration*. They flattered themselves that the blow would be given, and the Islands reduced, before a Crown so embarrassed and distressed could be in a condition to afford us relief. At length *Suspicious* began to arise of *Mischief* intended, and hatching in the dark against us. One *Vaucour*, Captain of *Chauzey*, a small *French Island* in our Neighbourhood, coming to *Guernezey*, was there found tampering and practising with some Persons (whom he mistook for disaffected) about betraying the place, for which he was laid hold on as a *Spie*, and by Judgment of the Royal Court sent to the Gallows. (10) But the plainest confirmation of the imminent peril we were in, came by means of *Maréchal de Turenne's Lady*. That excellent Woman, being a Protestant, and zealously attached to her Religion, had withal conceived a great kindness for the People of these Islands, through much and long conversing with a worthy Divine of *JERSEY*, the reverend Mr. *Daniel Brevint* (†), (11) who flying for refuge into *France*, in the Times of *Usurpation*, like many other loyal Sufferers, had been received into the *Maréchal's* Family, and there treated with uncommon respect and distinction, till the happy *Restoration* made way for his return.

(*) *Le Roi ne pouvant plus résister aux instances réitérées des Provinces Unies, qui le pressoient de remplir ses engagements, il convint avec le Roi d'Angleterre de se déclarer réciproquement une guerre simulée ; ce qui fut exécuté de la part de la France le 29 Janvier 1666. pag. 192.*

(†) *Since Prebendary of Durham, and Dean of Lincoln.*

Whether from the *Maréchal* himself, or others, she got intelligence of the designed Invasion, and not thinking we could withstand the Power that was arming against us, she with Tears lamented our sad Fate. Nor did she rest so. Knowing that none are more insolently cruel in Victory than the *French*, she went to as many of the Chief Officers as she could learn were appointed for that Expedition, and besought them to attemper their Orders with compassion and mercy, and not give up an innocent People to the rage and fury of a brutal Soldiery. This movement which the good and charitable Lady gave herself in our behalf, caused the matter to break out, and take air, so that it soon reached *England* and the Islands.

It has been said, that the Town of *St. Malo* (the ill effect of whose neighbourhood we have felt more than once) offered to bear the whole Charge of the Expedition, if it might be reimbursed out of the confiscated Estates in the Islands. Which seems to imply a designe of carrying off the Inhabitants, those at least of the best fortune and interest, who should happen to outlive the Slaughter, to make room for Settlements and Colonies of their own. For though they thought themselves pretty sure of mastering the Country, coming upon it unexpected and by surprize, they were not so confident they should be able to subdue the Spirits of the People, whose hatred of a *French* Dominion would put them upon watching every opportunity, and using all sorts of means, to free themselves from it ; which to prevent, their Numbers were to be lessened, and their Strength broken by *Transportation*. And this we must expect to be our Lot, if for our Sins, God should ever permit those our cruel Enemies to bring us under their power. (12)

The King, instead of losing time in fruitless Expostulations with the *French Court* for it's falsehood and treachery, turned his thoughts to provide for our safety. In the Government of *JERSEY* we then had the Earl of *St. Albans* (*Jermyn*) a fine Courtier, but of no reputation for military prowess or virtue. He lived in *England*, and loved his ease,

and so was well contented, upon securing to him a recompence for the Profits of the Government which he held by Patent, that another should go to his Post. Whereupon the Duke of *Albemarle (Monk)* put the King in mind of Sr. *Thomas Morgan*, (13) a tried and brave Officer, the same whom he, at his marching out of *Scotland*, had left in that Kingdom to keep it quiet; a high trust on so nice an occasion, and in a time of such general diffidence and jealousy. But that which in a more particular manner qualified him for the Employment, was the Knowledge the *French* themselves had of his singular Courage, and great Abilities in War. It would abate of their presumption, when they should come to understand, that they were to deal with One whom they had seen in their own Armies, at the head of Six Thousand *English* sent by *Cromwel* to joine with them against the *Spaniards* in *Flanders*, perform Actions which filled them with Admiration. For however *Lockart*, the Usurper's Ambassador in *France*, had the name of General of those Troops, it was under Sr. *Thomas's* Command, and animated by his Example and Valour, that That small Body, with little or no help from the *French*, routed the whole *Spanish Army* at the Battle of *Dunkirk*, which soon obliged that strong Town to surrender. No less did he, and they led on by him, signalize themselves at the several Sieges of *St. Venant*, *Mardyke*, *Ypres*, and seven or eight other important Places, acquired to *France* in two Campagnes principally by their means (*). The truth is, they did more than was for the good of *England*, or of the rest of *Europe*; that fatal Step of *Cromwel* in confederating with the *French*, for the strengthning of himself in his Usurpation, being what then play'd the game into their hands, and laid the foundation of that Greatness, which has since cost so much blood and treasure to reduce. But this by the by. The *Maréchal de Turenne*, who commanded in chief, had

(*) A true Relation of Major General *Morgan's* progress in *Flanders*, with the Six Thousand *English*, in the years 1657 and 1658, at the taking of *Dunkirk*, &c. Lately reprinted in the *Phoenix Britannicus*, pag. 532, and is one of the most curious pieces in that *Rhapsody*.———See also *Philips's Addition to Baker* in the Reign of King *Charles II.* pag. 636, 637.

too much honour and generosity not to do justice to the *English Major General*. He gave such a character of him to the Court of *France*, as drew from it an acknowledgment of his great Services, and an invitation to *Paris*; which however he chose to decline, and returned into *England*, where not long after he became instrumental in the more glorious Work of restoring his rightful Sovereign, by a conjunction with General *Monk*, as was hinted before. All this considered, a more proper Person could not be pitched upon, to whom the guard and defence of this Island, looking every day to be attacked, should be confided; and the making choice of him was a great instance of His Majesty's care and concern for our preservation. Resolved to live and dye with us, this Gallant Man hastened to his Charge; and perhaps it never was more plainly seen, how powerfully an high Opinion conceived of a Chieftain and Leader will influence the Troops under him. One would think that Sr. *Thomas* had communicated something of his Brave Spirit to all our People. The Consternation, which before his arrival was great and general enough, vanished at his Presence among them; or if a few more timorous remained under some apprehension, they were ashamed to shew it openly. Though they wanted not encouragement otherwise, the necessary Supplies being daily and liberally sent, and every thing put in the best posture to oppose the Ennemy, yet it was chiefly in their Governor, and the Fame of his great Exploits, that (under God) they placed their Confidence. It may not be unpleasant to remark, that remembering how terrible his *English Red-coats* were in *Flanders* (*), he would have the Militia of the Country all clothed in like manner, forming them at the same time into Regiments (†), that when the Ennemies came to view them thus clad, and drawn up in such Order, they might take them for Regular Troops sent from *England*. The greatest Captains have

(*) So soon as the Red-coats came near the Counterscrap, there was nothing presently but a Capitulation and Surrender, &c. True Relation, &c. pag. 537, 538.

(†) They consisted before only of Independant Companies. See the Chapter of Military Government.

not disdained to put in use the like little Arts and Stratagems, often with Success.

Counsels and Enterprises concerted in the dark, and to be executed unlooked for, when haply discovered, turn to the confusion and disappointment of the Contrivers. By the Dispositions made in the Islands, and private intelligence other waies, the *French Court* saw it's Designe no longer a Secret ; and so to be either laid aside, or publickly avowed and pursued by open and barefaced Force. This last could not be done without the said Court's incurring the reproach and infamy of a most shameful Prevarication, in that it had been arming clandestinely to surprize the Islands, and wrest them from *England*, notwithstanding the mutual Engagements betwixt the two Kings ; nor without occasioning a *real War* (to which *France* had no inclination at that time) instead of the *feigned* and *collusive* one mentioned above. No way therefore now, but to drop the thing, as if it had never been in purpose and intention, and to keep on the same Mask and appearance of Friendship as before, a Management well understood by that Court. On the other hand, our King, who had enough to do to deal with the *Dutch*, thought it best to suppress his resentment, and to let the matter dye ; so that it passed without farther *éclat*, and this (I believe) is the first time the World has been made acquainted with it in Print. As for us in this Island, we ascribed all to the Enemy's hesitancy and doubt of success, after they heard in what readiness we were to receive them, wherein perhaps we presumed a little too much of ourselves. There went besides a Report, that the *Maréchal de Turenne*, had dissuaded the Undertaking, for so long at least as the *Chevalier Morgan* commanded here ; “ who (he “ said) was not a man to be frightened, or deterred by any “ superior Force that could be brought against him, from “ making a most desperate Defence ; but would sacrifice “ himself with all his People, sooner than give up a Post “ committed to his Trust. By what he had been seen to do “ in *Flanders*, it might be guessed how he would behave on

“ an Occasion like this. And such an obstinate Resistance
 “ would cause too much blood to be shed on both sides.”
 So salutary to us was the reputation that Brave Man had
 acquired in the Profession of Arms (*). Be it as it will,
 thus the Storm blew over that had threatned us, and the
 Deliverance, all circumstances considered, we cannot but
 think equal to the greatest that has been wrought for us
 in any Age.

And thus also I have made good, by an Example of
 Modern Date, the allegation above, of the perpetual Danger
 to these Islands from the *French* so that even Peace is no
 security to us. We can never depend upon it. 'Tis true,
 there was War declared, when the Conspiracy, (for so I
 must call it) was formed and carried on covertly against us ;
 and had it been a War like other Wars, the thing would
 have had nothing in it new or strange. For we are not
 ignorant how most Princes, when they are pleased to quarrel,
 which they too easily do, allow themselves without scruple in
 every Wile and Artful Fetch they can devise, or others
 suggest to them, to amuse, circumvent, and work underhand
 all possible prejudice and mischief each to his Adversary,
 pursuant to the known maxim in the Poet (†), *Dolus an
 virtus quis in boste requirat ?* Enough might be urged
 against this, as when the Means so employed are base and
 immoral (‡). And who will say there are not often such ?
 But I shall enter into no dispute about it. What I contend
 for, is, that our Case was singular. Here was a War, which
 all the World looked upon as illusory, and a jest. A War
 and no War. *Lewis XIV.* had given assurance of preserving
 a good understanding with his Brother of *England*, not-
 withstanding his Declaration in favour of the *Dutch*,

(*) Here I expect an Objection, that this long Story might have been shortened,
 by being less particular about Sir Thomas. Now I was willing the World would
 know, that we are not so stupid a People, as to retain no sense of the Merits of a
 good and worthy Governor ; but that we can, and ever shall, distinguish such a
 One in our Esteem, from others who value and regard the Government only for the
 sake of the Emoluments they draw from it.

(†) Virg. *Æneid.* II.

(‡) *Vid.* Grot. de jure Belli &c. Lib. III. Cap. 1.

whom he neither loved nor meant to espouse in earnest. Accordingly, while the two Principals were battling it with great fury, he stood looking on. Was that then such a state of War, as would justify his practising secretly against us, contrary to the good Faith to be observed among Princes? Wherein did such a War differ from Peace, except in name only? We thought of no Danger, and it was at our door, ready to overwhelm us. Unhappy condition of these Islands! *England*, how insidiously soever *France* may deal with it in Treaties, has nothing to fear, resting secure on it's own Strength. But if the *French*, not trusting to their great *Puissance* alone, for the gaining of these Islands, will moreover add Fraud to it, and lie at a catch for opportunities to bear down upon us, when we have no suspicion of them; and if we, deluded by flattering Appearances, and a false Calm, do not keep a good Look-out that way whence Danger is continually to be apprehended; it can hardly faile (unless Heaven should be always working Miracles for us) but that one time or other we must fall into the snare. In a real open War, the Protection of *England*, and the Courage of our People, will 'tis hoped (under the Divine Assistance) baffle the Efforts of our Ennemies, as in Times past. The former of these *viz.* the Protection of *England*, we have no reason to distrust, having so long experienced it. The other indeed, *viz.* our People's Courage, depends upon Circumstances, which may either keep it up, or depress it. To keep it up, the only way is to make them easy, and remove every occasion they have (or think to have) of Discontent. It would be happy for *England*, if all it's Subjects were as well affected to the Established Government as they. Therefore a little impatience and stomachfulness under what they take (perhaps mistake) for a grievance and hardship, may be indulged them without any ill consequence. It only proves, that they are not a poor dispirited Populace, like their neighbour *Normans*, who seem born to bear burthens, and are incapable of doing any generous thing for themselves or their Country. The difference betwixt these our People, and the Yeomanry or Commonalty elsewhere, ought

ever to be remembered. They are all Soldiers, listed though not hired, and being such 'tis fit they have the Spirit of Soldiers. With the same hand they hold the Plough one day, they must wield a Sword the next, if Danger calls. On them it lies, and from them 'tis expected, that after the manner of their Ancestors, they be ready at all hours to draw down to the Shore, not keep behind a Rampart as Garrison-Soldiers, and there on the same open Shore stand the brunt and shock of an Enemy that would force entrance into the Country : A bolder and braver way of Defence; requiring so much Life and Fire as nothing but good Usage, and satisfaction taken in their Condition; can inspire a People withal. But no more of this.

And now a word or two farther concerning this *Second Edition*, and I have done. It is, as the Title promises, *much augmented*, even more than half ; which should be a recommendation to it, supposing the Additions made do not seem of too minute and private a nature to merit the Public Attention. They who write of the Affairs of great Kingdoms, are under no such necessity of stooping to little and low *details* through want of more important Matters. They are rather oppressed with the weight, number, and variety of famous Events, in which all who read interest themselves and have their curiosity gratified. 'Tis not possible it should thus be, in an *Account* of One small Island. And since I could not rise above my Subject, an equitable Reader will condescend to be entertained with lesser incidents and notices, which he would very justly despise in a greater History, as below it's Dignity. After all, I have watched over my Pen, that nothing too mean and trifling might drop from it. Besides this, I am a debtor to my Countrymen, for whose sake I am obliged to dwell on several Particulars of which it concerns them to be apprized, though the same should happen not to be minded by others. And I flatter myself to have deserved their thanks, for retrieving not a few Ancient Facts, and some also of latter Times, which were either already quite sunk, or daily sinking into Forgetfulness ; it being the unhappiness of Places like this,

where Printing is not used, (14) that the Remembrance of Things is seldom kept up in any degree beyond the Age in which they were transacted.

I must likewise owne here, that this Work would be more perfect, if the other Adjoyning Islands could have been taken into it. For they are all Sisters, and in Books 'tis not rare to find them reckoned and reputed as One Aggregate Body. Not only they all have the same Laws and Form of Government, the same Privileges, Language, Religion and manner of Worship, but are all alike obnoxious to the same formidable Enemy, and have their Fates necessarily bound up and twisted together. No one of them has been attempted, but the rest have suffered at the same time. Whereby their History is so connected, that I could not go on with that of JERSEY (to which I meant to confine myself) without often mentioning *Guernezey*, and sometime the others also. And yet each and every one of those Islands apart, has something proper and peculiar to it, that would need a distinct consideration, for which I do not think myself sufficiently instructed. I can therefore only direct such Readers as would know more of those Islands than they will find in this Book, to *My Lord Bishop of London's Second English Edition of Camden's Britannia*. That part of it which treats of the *British Islands on the Coast of France* (*) having been assigned me to review, and improve with some later Observations, I proceeded therein as far as the acquaintance I had with those Places could lead me, and his Lordship's Plan (which I was to follow) would give leave. They who are not satisfied with those Sketches, must have patience till some Gentleman of *Guernezey* (which cannot want able hands for such service) shall take upon him to illustrate his Native Country, (15) as I have done mine; including in his Account *Alderney, Sark, &c.* which depend on that greater Island, as Members of the Government and Jurisdiction of it.

Moreover to this *Second Edition* there are added *Remarks* on a Chapter of Mr. *Selden's Mare Clausum*, by the hand

(*) Vol. II. pag. 1507.

of my ingenious Countryman, the reverend Mr. *Morant*. (16) Mr. *Selden* not contented to have given abundant Proofs before, of the Sovereignty of the Crown of *Great Britain* over the circumambient Seas, would needs draw a farther Supply of Arguments from these Islands, asserting them to have ever belonged to *Great Britain*, and with them consequently the Dominion of the Sea in which they are situate. And this in plain contradiction to all Histories, Records, and Charters of our Kings ; where these Islands are still mentioned and considered as *Tabulæ ex naufragio*, Planks saved with much difficulty out of that terrible Shipwrack in which all the rest of *Normandy* was lost to *England*. That learned Man's Works being lately reprinted, it cannot be amiss to animadvert a little on an Assertion so much out of the way, leaving the praise and fame of his great Learning intire and untouched in every other particular. I shall not here anticipate my Friend's *Remarks*, but take the opportunity of acknowledging his kind assistance in searching the Offices at *London* (whither I was not able myself to go) and collating with the Originals there, such Copies as I could not securely rely on ; and again, in making Extracts for me from *Rymer's Foedera*, as he was examining that Voluminous Collection for the Folio-Edition of *Rapin*. So Much I think fit to say, that if there be any Merit in this Work, he may have the share due to him.



☞ Finding the following *Directions* among the Papers which the Sr. de Samarez put into my hands, and judging them not unuseful, I have chose this Place to insert them in, that on occasion of conferring them with the *Map*, they may not be too far from it. (17).

“ *Directions for coming into the Island from the Northward, or England.*

“ Sailing Southward along the Bay of St. Ouen (the Westernmost of the Island) there is good anchorage in the said Bay with an Easterly Wind in 12 or 15 fathoms of Water for great Ships, and in 7 or 8 for lesser, but no Harbour for great or small, only a Creek for Fisher-Boats called *L’Etac*.

“ If you come to an anchor in this Bay, leave about two thirds thereof to the Northward of you.

“ The North and South Parts of the Bay are full of Rocks but the middle is clean. *La Frouquie* is a Rock that seldom covers, and all the ground betwixt it and the Land is rocky.

“ In sailing about the *Corbière* to come into St. Aubin’s Bay (where the Port is) keep off from the Land about half a League, and saile Westerly, till you see the Point called *Portelet*. Then you may run close along the shore without danger, till you come near *Noirmont-Point*, which you must keep with the *Corbière*, leaving it open, till you see two single Houses among some Trees upon the East-side of *Noirmont-Hill*, in a Valley between the Point and St. Aubin. Then bear into the Road fearing nothing, and come to an anchor in 2, 3, or 4 fathoms at Low-water.

“ At Half-Flood you may run with a Ship of Two or Three hundred Tuns over all the Rocks, except *Silly-Rock* and *Hinguette* (*), which do not cover till about two hours Flood.

(*) Few years ago, in a fair and calm day, the Hind King’s Ship of 20 Guns, entering into the Bay from England, was by the negligence of the Pilot run upon this Rock, and there lost, with the Captain and several more. Of such accidents an Harbour often bears the blame, when they are owing to ignorance or carelessness.

“ There is also a good Channel between *La Rouaudière*
 “ and *Hinguette*. If you go through it, keep the *Gallows*
 “ and the West-Walls of *Elizabeth-Castle* one by the other
 “ or in a line, till you see a *White House* standing alone
 “ over the top of the *Tower of St. Aubin*. Then run in,
 “ and come to an anchor in 2, 3, or 4 fathoms at Low-water.

“ As for the Tides, it is High-water here at Six o’Clock,
 “ upon the Change and Full of the Moon.

“ From *Grosnès-Point* to the *Corbière*, the Current sets
 “ South from Half-Ebb to Half-Flood ; from which time to
 “ Half-Ebb again, it sets North.

“ From the *Corbière* to *La Roque*, the Current sets East
 “ all the time of Flood, and West during the Ebb. It is
 “ the same along the North-Coast of the Island.



AN ACCOUNT
OF THE
ISLE OF JERSEY.

CHAPTER I.

History of the Island.

IT cannot with certainty be said when, or by whom, this Island was first inhabited ; which will not seem strange to him who considers how dark and fabulous the History of the greatest Nations is, when carried up to Times and Ages too remote.

'Tis abundantly sufficient for the honour of this Island, in point of Antiquity, that it was known to the *Romans* ; who called it *CÆSAREA*, a name of distinction given to favourite places ; and by that name the Emperor *Antoninus* lays it down in his *Itinerary*, among the Isles of the *Britannic Ocean* (*). It makes so good an appearance from the neighbouring Continent, and the traject to it is so short, that 'tis not likely the *Romans* would pass it by without visiting it, as they carried on the war in these parts. *Cæsar* himself relates how he brought under subjection the *Unelli*, the *Lexobii*, and other nations inhabiting this Maritim Tract (†), of which the adjacent Islands being members and appendages, doubtless he would not fail to reduce them with the rest. And accordingly we want not proofs of the *Romans*, if not of *Cæsar* himself, coming amongst us. Adjoining to *Mont-Orgueil* castle, and having communication with it by

(*) *Intinerar.* Paris. 1512. pag. 89.

(†) *De Bello Gallico.* Lib. iii, & vii,

a sally-port, there is an old Fortification called to this day by immemorial tradition *Le Fort de César*. Likewise at *Rosel*, in the North of the Island, there is a remarkable Entrenchment by a like tradition bearing still the name of *La petite Césarée*. Near the Mannor of *Dilament*, one sees the remains of an ancient work, in the known form of a *Roman Camp*. Coins also have been found here, but our people unhappily wanting a taste for such things, have neglected to preserve them. Nor did I myself make enquiry after them till lately, when three were put into my hands, *viz.* a *grand Bronze* (to speak in the style of the Medallists) of the Emperor *Commodus*, newly digged up in the parish of *St. Ouen*; and two of *Probus* and *Posthumus*, of that sort which (as *Patin* observes) (*) came to be struck in the impoverished and declining state of the *Roman Empire*.

The modern name of *JERSEY*, or *GERSEY*, is allowed after *Mr. Cambden* (†), to be but a corruption of that of *CÆSAREA*. For *Ey*, in the language of those Northern Nations who overran *Europe* about a thousand years ago, signifies *an Island* (‡), as in the name of *Angles-ey*, i. e. the Isle of the *Angles*; and *Jer*, or *Ger*, and likewise *Cher*, is but a contraction of *Cæsar*, as in the name of *Cherbourg*, an ancient sea-port town in *Normandy*, so called from the Latin *Cæsaris-burgum*. *JERSEY* is, as if one should say, *Cæsar's Island*.

It is also sometimes mentioned in old writings and monuments by the name of *AUGIA*, which the learned *Mr. Poingdestre* thought to be the Original name of this Island, before the *Romans* were acquainted with it, and called it *CÆSAREA*; so that although They, in right of conquest, would needs give it a *new name*, yet still the *old name* remained among the natives and neighbours on the Continent, and was in use many ages after. And that thus it has often happened to places and countries upon a conquest, is notorious from all Histories; into which no small confusion and

(*) *Histoire des Médailles*. Ch. xvi.

(†) *De Insulis Britannicis*, pag. 854.

(‡) *Ey*. *Insula*. Vid, *Rudolphi Jonæ Gram. Island*, pag. 103.

obscurity has been thrown by such plurality of names applied to the same place. By the abovesaid name of AUGIA, *Childebert* King of *France*, son of *Clovis*, gave this Island to *Samson* Archbishop of *Dol* in *Armorica*, about the year 550 including in the same grant the other adjoining Islands ; of which grant that accurate and diligent Historian *D'Argentré*, attests to have seen authentic deeds and evidences(*). But concerning that transaction I shall have a more proper opportunity to speak in the chapter of *Religion*, it being here mentioned only on account of this name of AUGIA which we have under consideration. To pass therefore to another instance ; in the reign of *Charlemagne*, *Gero-aldus* Abbot of *Fontenelle* in *Neustria*, was sent hither with an imperial commission, which, though the occasion be not said, must have been of some importance, considering the quality of the person, employed before in great negotiations. *Is Abbas, jussu Caroli Augusti, quâdam legatione fungebatur in Insulâ cui nomen est AUGIA, — & est adjacens Pagus Constantino* (†). Here the name of AUGIA occurs again, and the Island is described by its situation near the *Pagus Constantinus*, i. e. the City of *Constance*, or *Coûtance*, as they now speak, and no other Island but JERSEY will answer that description. Therefore AUGIA and JERSEY must be the same.

Whereupon it may be proper to observe, that 'tis very usual with ancient Authors, when they speak of this Island, to describe it by this very mark and character of its nearness to *Coûtance*, instead of naming it by name. Thus *Gregorius Turonensis*, (‡), and *Aimoinus Monachus* (§), call it an Island of the Sea which is adjacent to the City of *Coûtance* ;

(*) *Je trouve cela aux Vieilles Lettres.* Hist. de Bretagne. Liv. i. Chap. xxviii. fol. 114. de l'Ed. de Paris. 1611.

(†) Du Monstier. *Neustria pia.* in *Fontanel.* Cap. viii. pag. 155. ex *Libro miraculorum.* S. *Wandregisilli Abbatis Fontanellæ.*

(‡) *Hist. Franc.* Lib. v. cap. xviii. *Insula Maris quod adjacet Civitati Constantinæ.*

(§) *De Gestis Francorum.* Lib. iii. Cap. xxvi. *Insula Maris quæ Civitati adjacet Constantiæ.*

Gaguinus (*) and *Paulus Æmylius* (†) call it an Island of the Diocese of *Coûtance*; and *Papyrius Massonius* (‡), an Island of the shore of *Coûtance*; and these descriptions point to JERSEY no less plainly, than if its name was set down in capital letters. The occasion of this Island being mentioned by them, was the banishment of *Prætextatus* Archbishop of *Roûen* hither, in the year 577. Now two modern ingenious Historians of *Normandy* speaking after them of the same affair, expressly call the place of his banishment JERSEY (§); which shews how those Authors are now to be understood: Indeed this Island is so near to *Coûtance*, that they are in sight of each other. From the lofty towers of its beautiful Cathedral it overlooks us, and the narrow Channel betwixt it and us; and the bending shore of the *Païs Coutantin*, reaching to *Cap la Hague*, does in a manner surround and inclose us on that side: As for the city itself, glorying in some remains of the *Roman* greatness, as *Aqueducts*, &c. I have no farther concern with it at present.

AUGIA still is, and has been the name of other places. The *Bodensee*, or lake of *Constance* in *Swabia*, has a noted Isle in it so called (||). In *Normandy* there is *le Païs d'AUGE*, which is a large district containing some Dioceses. And *Homer* speaks of more than one AUGIA among the *Locrians* bestowing on them the epithet of *lovely* (¶). But in regard to JERSEY, this its primitive name is grown obsolete and quite disused, and CÆSAREA corrupted into JERSEY has by length of time prevailed over it. I shall only add further, that this name of JERSEY admits of some variations, caused by a change of letters into others of a similar sound and pronounciation. Thus 'tis written indif-

(*) *Compend. super Francorum gestis* Lib. ii. in *Chilperico. Insula Constantianæ Diocesis.*

(†) *De rebus gestis Francorum*, Lib. i. in *Chilperico. Insula Oceani Constantiensis Diocesis.*

(‡) *Annal.* Lib. i. pag. 52. *Insula Constantini Littoris.*

(§) *Prætexta privé de son Archevesché, par un Synode d'Evesques assemblez à Paris, fut relegué en l'isle de GERZAI, dans le Territoire de Constances.* *Abrégé de l'Hist. de Normandie.* ch. ii. pag. 33. *Histoire Sommaire de Normand.* par de *Masseville.* Part i. p. 54. *Fleury Hist. Excl.* Tom. vii. Liv. xxxiv § 33.

(||) *Muasteri Cosmogr.* Lib. iii.

(¶) And those who dwell where pleasing Augia stands.—*Pope's Homer.* Book ii. v. 637.

ferently JARZÉ, GERZAI, GERSUI (*), &c. by the *French*. In the records of the Tower and Exchequer it is JERESYE. And when others have gone about to latinize it, they have introduced the barbarous names of GERSOIVM, GRISOGIVM, and the like, in lieu of the true *Roman* name CÆSAREA, of which they were ignorant, and which our great *British* Antiquary (†) has so happily revived and restored to us.

These researches into the ancient name of this Island, have led me from the time of our first Conquerors the *Romans*, down to that of the *Franks* or *French*, who now in their turn were become our Masters. That warlike people breaking out of *Germany* in the fifth century, spread themselves like an inundation far and wide. Under their Kings of the *Merovingian* and *Carlovingian* races, they by degrees founded an Empire which took in all from the *Ocean* to the *Danube*. Its more general division was into *West-France*, and *East-France*; the first, in the *Latin* of that age, called *Westria*, turned afterwards into *Neustria*, which now is *Normandy*, but this of far less extent than the ancient *Neustria*. It is a *Maritim* Province, and the Islands in its neighbourhood, and within its view, *JERSEY*, *Guernsey*, and the rest, ever went along with it, as parcels of it, consequently became then also appurtenances of the great Kingdom of *France*.

Some perhaps may think, because the *French* are still called *Galli*, that they are the same *Gauls* whom *Cæsar* subdued. But those *Gauls* were distinct bodies and governments of several nations, and (as one may say) the *Aborigenes* of the country, forasmuch as no history extant goes beyond them (‡). Whereas the *French* were one people, an adventitious people, come from the other side of the *Rhine* and of *German* extraction. The *Romans* subdued the *Gauls*, and

(*) *Je di, & diray que je sui.*

Vacé de l'Isle de GERSUI.

Maistre Vace en son Roman de Normandie.

(†) Mr. Camden.

(‡) Therefore they boasted of an immediate descent from the Gods. *Galli se omnes à Dite patra prognatos prædicant.* Cæsar de Bello Gall. Lib. vi.

the *French* drove out the *Romans*. This remark might have been spared, were it not for the sake of less knowing readers.

It was in the reign of *Ludovicus Pius*, son of *Charlemagne*, and about the year 837, that the *Normans* (whose very name shews from what part of the world they came) began to carry on a pyratival war on the western coast of *France*. Their boldness increasing with their numbers, they made descents in several places, and committed great outrages (*). But things grew infinitely worse under *Charles the Bald*, son of the former, whose whole reign in a manner passed in a perpetual conflict with them. For by the advantage of their little light vessels, they went up the rivers, and penetrated into the very heart of *France*, sacking and burning the Towns, shedding torrents of Human Blood, and bringing such ruin and desolation every where, as no Histories afford an instance of the like (†). They were Pagans, and zealous for Idolatry, a gross and brutish Idolatry; which added to their native savageness, made them fall upon Churches, Monasteries, Religious Persons, and all that was Christian, with a redoubled and hellish barbarity (‡). In short, they struck such terror throughout all *France*, that in the publick Litany, after those words *from plague, pestilence, and famine*, was subjoined, *and from the fury of the Normans, good Lord deliver us* (§).

No places could be more exposed to their incursions than the Islands on the Coast (||), through which they must necessarily pass, as they ranged the land. And accordingly in *JERSEY*, converted to Christianity long before, they left us this monument of their cruelty. There lived here a Holy

(*) Vid, *Gesta Normannorum antè Rollonem Ducem* — apud du Chesne *Historiæ Norman. Script. antiq. ab initio. Paul. Æmyl. Lib. iii.*

(†) *On n'en trouve point de pareille dans toutes les Histoires. Abregé de Meze-ray, au Règne de Charles le Chauve.*

(‡) *Le faux zèle de leur religion impie et brutale les rendoient cruels et sanguinaires, surtout a l'endroit des Gens d'Eglise. Le même.*

(§) *Godeau. Hist. de l'Eglise. Siècle ix. Liv. i.*

(||) *Hæc clades, sicuti primitus, ita acerbius in INSULIS, seu Territoriis Occidentalibus, ac mari contiguis desævit &c. Du Chesne. Hist. Norm. Script. antiq. pag. 21. ex autore Historiæ Sti. Vivenii.*

man, famous for the piety and austerity of his life ; his name *Helerius*, in French *Helier* ; (18) whose little solitary Cell, which he had chosen for a retreat from the world, is yet to be seen on a rock hard by *Elizabeth Castle*, and is called the *Hermitage*. This Holy Man they put to death, with circumstances that gained him the reputation of a Martyr ; no doubt for his bearing some illustrious testimony to the Faith of Christ, in contradiction to their vile Idolatry. The Church-kalendar of *Coûtance* places his anniversary, or day of his martyrdom, xviii^{mo} *Kalend. Augusti*, i. e. on the xvith of *July*. The Island itself grew famous upon his account, and still more so when in after time a *Norman Nobleman*, of the posterity of those who had been his murderers, founded here a fine Abbey in memory of him, and called it by his name *L'Abbaye de St. Helier*, (*) of which more hereafter.

The near resemblance betwixt the names of *Helerius* and *Hilarius*, has occasioned a mistake concerning *St. Hilary* Bishop of *Poitiers*, as tho' he had been banished into this Island, and had died here. Even *Mr. Camden* himself seems to have given credit to that report, and thereupon calls the chief Town in the Island *St. Hilary*, which should be *St. Helier* (†). To have been the place of exile, and now the repository of the ashes of so bright a Light of the Ancient Church, and so strenuous an assertor of the Doctrine of the Holy Trinity against the pestilent and blasphemous Heresy of *Arrianism*, would certainly be a matter of great glory to this Island. But in reverence to truth, we must disclaim an honour which does not belong to

(*) GERSEIUM—*Insula ad mare Oceanum, Diocesis Constantiensis Illustrior haberi capit ex quo S. Helerius illic à Wandalis martyrii palman accepit. Nam in humorem hujusce inclyti Athletæ Christi constructa est insignis Abbatia, à Domino Guillelmo Hamonis, viro nobili, et antiqui stemmatis apud Neustrios Heroe, in qua Canoicos Regulares S. Augustini posuit ; ac tandem ipse excessit è vita 21mo. Novembris ; cujus sic meminit Obituarium Cæsaris-burgi ; xi. Calend. Decemb. Gulielmus Hamonis qui fundavit Abbatiam S. Helerii in GERSEO, Neustria pia in S. Helerio. pag. 712. Here the murderers of St. Helier are called Wandals, instead of Normans, the names of those barbarous northern nations being often confounded, and used promiscuously.*

(†) *Sanctum Hilarium Pictaviensum Episcopum huc relegatum, & sepulturæ traditum ferunt. Ut supra.*

us. For indeed St. *Hilary* was never here, and his story is briefly this. In the year 356 some *Arrian* Bishops of *Gaul*, in view of procuring the condemnation of St. *Athanase*, convened a Synod at *Beziers* in *Aquitaine* (*), where St. *Hilary* so effectually opposed and defeated their wicked measures, that in revenge they complained of him to the Emperor *Constantius*, himself an *Arrian*, who thereupon banished the good Bishop into *Phrygia* beyond the *Hellespont*. Some years after being suffered to return to his See, he died and was buried at *Poitiers*, which was also the place of his birth. This we learn both from St. *Jerom* (†), who was almost his co-temporary, and *Severus Sulpitius* (‡), who lived and flourished not long after him.

To return to the *Normans*; for the space of well-nigh fourscore years they continued those horrible ravages mentioned above, viz. from the year 837 to 912, when *Charles IV.* surnamed the *Simple*, who then reigned, finding himself unable to make head against them, much more to drive them out, thought it best to compound with them, and by making them a cession of some part of his Kingdom, save the rest. Their Leader at that time was *Rolla* (§), to whom *Franco* Archbishop of *Rouën* was sent with the overture of a Treaty. *Will you, mighty Chieftain, said he, go on to make war with the Francs so long as you live? What will become of you, if death surprises you? Do you think that you are a God? Are you not a mortal man? Remember what you are, and will be, and by whom you must one day be judged* (||) ! He then went on to propose terms for an accommodation; which were, That all that fine Tract of country, part of *Neustria*, extending itself along the *Britan-*

(*) Conciliabulum Byterrense.

(†) De Scriptoribus Eccles. No. III.

(‡) Historia Sacra, Lib. ii. propè finem. Bouchet Annales d'Aquitaine. Part i. Ch. xiv. &c.

(§) Otherwise Rou, Roul, and Raoul, in the French and Norman writers.

(||) Omnium Ducum præstantissime! — Litigabis vitâ comite semper contra Francos? Præliaberis semper contra illos? Quid de te, si morte præoccupatus fueris? — Deum te esse existimas? Nonne homo es? Memento qualis es, & eris, & cujus judicio damnaberis! Dudo de moribus & actis primorum Normanniæ Ducum. Lib. ii.

nic Ocean, in length near two hundred miles, with a breadth proportionable, should be yielded to *Rollo* and his successors for ever, to hold it in fief from the Crown of *France*, with the title and dignity of Dukes ; and further, that upon *Rollo's* embracing Christianity, to which the Archbishop was to exhort him by all proper arguments, the King would give him his daughter *Gilla* to wife, whereby the peace and amity betwixt the two nations would be more strongly cemented. The Proposals were accepted and the Treaty concluded at an interview of the two Princes. *Rollo* was baptized, and his example mixt with authority soon prevailed with his followers to be so too (*). He proved a worthy Ruler, and is specially famed for his great love and strict observance of Justice (†). The Province yielded to him had long been a wild scene of rapine and confusion, but he quickly reduced it into admirable order, establishing many good laws in it, and taking care to have them duly executed (‡). It then got the name of *Northmannia*, or *Normandy*, became a flourishing and powerful State, and its Dukes made a figure equal to Crowned Heads (§), whose dominions were larger, but the wisdom of their government less. The people under him mixed themselves with the old inhabitants, grew humane and civilized, (||) without losing any thing of their ancient courage and bravery, of which they gave signal proofs in their after-conquests of the Kingdoms of *England*, *Naples*, and *Sicily*. In a word, so happily were their temper and manners altered upon their Conversion, that they gained the character of a Religious Nation, beyond most others at that time (||). This glorious change was the work of Christianity, which has a peculiar virtue and efficacy to soften the ferocity of corrupt Human Nature ; insomuch that if we no longer

(*) *Rollo comites suos, & milites, omnemque manum Exercitûs sui baptizari fecit, atque Christianae Religionis fide per praedicationes instrui. Id. ibid.*

(†) Chrouique de Normand. Ch. xxvi.

(‡) Dudo. ut sup.

(§) *Rollo — sibi & posteris Principatum paravit, qui exiguis inchoatus initiis crevit, ut caeteris quibusque maximis Regnis par viribus fuit. Polydor. Vergil. Hist. Angl. Lib. vi.*

(||) Spondani Epitome Annal. Baron. ad an. 1002.

hear of those barbarous devastations of countries, and all that bloodshed so common in the days of Paganism, and if modern wars betwixt nations are prosecuted with more humanity, 'tis owing to that excellent Religion which wicked and unthankful men would now banish out of the world.

One thing more relating to *Rollo* I cannot pass without notice, because of the singularity of it, and the concern which we of this Island have still in it. Whether it began through his own appointment, or took its rise among the people from an awful reverence of him for his Justice, it matters not ; but so it is, that a Custom obtained in his time, that in case of encroachment and invasions of property or of any other oppression and violence, requiring a prompt remedy, the aggrieved party needed do no more than to call upon the Name of the Duke, though at never so great a distance, thrice repeating aloud *Ha-Ro* &c. (*) and immediately the aggressor was at his peril to forbear attempting any thing further. Nothing could be more wisely provided to prevent wrongs even among Equals, but was no doubt chiefly designed to repress the insolence of powerful Great Men, who too often deride and too easily defeat those more slow legal methods whereby their injured Inferiors seek to be relieved against them. And this is that famous *Clameur de Haro*, subsisting in practice even when *Rollo* was no more, praised and commented upon by all who have writ on the *Norman Laws* (†) (20). A notable example of its virtue and power was seen about 170 years after, at *William the Conqueror's* funeral, when in confidence thereof a private man, and a subject, durst oppose the burying of his body (21). It seems that in order to build the great Abbey of *St. Stephen* at *Caen*, where he intended to lie

(*) *Pour la bonne paix et justice qu'il maintint en sa Duché, ses subjects prirent une coutume, tant de son vivant comme apréz sa mort, quand on leur faisoit force ou violence, ils crioient Aa-Rou &c. Chron. de Normand. Ch. xxvi. Aa! or Ha! is the exclamation of a person suffering. Ro is the Duke's name abbreviated. So that Ha-Ro is as much as to say, O Rollo, my Prince, succour me!* Accordingly with us in *JERSEY*, the cry is, *Ha-Ro, à l'aide, mon Prince!*

(†) *Rouillié Grand Coustumier de Normandie. Fol. lxxvi. Terrien Commentaires du Droict &c. au Pays et Duché de Normandie. Liv. viii. Ch. xi.*

after his decease, the *Conqueror* had caused several houses to be pulled down for enlarging the area, and amongst them one whose owner had received no satisfaction for his loss. The son of that person (*) observing the Grave to be digged on that very spot of ground which had been the site of his father's house, came boldly into the assembly, and forbade them, not *in the name of God*, as some have it (†), but in the name of *Rollo*, to bury the body there. *Paulus Æmylius*, who relates the story, says that he addressed to the company in these words, *He who oppressed kingdoms by his arms, has been my oppressor also, and has kept me under a continual fear of death. Since I have outlived him who injured me, I mean not to acquit him now he is dead. The ground wherein you are going to lay this man, is mine; and I affirm that none may in justice bury their dead in ground which belongs to another. If after he is gone, force and violence are still used to detain my right from me, I APPEAL TO ROLLO, the Founder and Father of our Nation, who though dead, lives in his Laws. I take refuge in those Laws, owning no authority above them (‡).* This brave speech spoken in presence of the deceased King's own son, Prince *Henry*, afterwards our King *Henry I.* wrought its effect. The *Ha-Ro* was respected, the man had compensation made him for his wrongs, and all opposition ceasing, the body of the dead King was suffered to be laid in the grave.

In the manner I have accounted for it, was *Normandy*, together with this and the other Islands, dismembered from the Crown of *France*; so to remain for ever, pursuant to the Treaty betwixt *Charles* and *Rollo*; reserving only to the said Crown the right of challenging Homage, and giving

(*) Some say the son, others the person himself.

(†) Baker's Chron. pag. 31.

(‡) *Qui regna oppressit armis, me quoque metu mortis hactenus oppressit. Ego injuriæ superstes, pacem mortuo non dabo. In quem infertis hunc hominem locum, meus est. In alienum solum inferendi mortui jus nemini esse defendo. Si extincto tandem indignitatis authore, vivit adhuc, vis, ROLLONEM, conditorem parentemque Gentis, APELLO; qui legibus ab se datis, quàm cujusquam injuria, plus unus potest polletque. De rebus gestis Francorum, Lib. iii. Masseville Hist. Somm. de Normand. Part. I. Liv. iii. pag. 224.*

Investiture, upon the accession of a new Duke. By accidents, and the fate of war, *France* got possession again of the Continent of *Normandy*, and holds it still; but could never recover these Islands, as the sequel of this History will shew. And this our passing from the *French* under the *Norman* dominion, is the *Third Revolution* in our little State of *JERSEY*. We shall quickly come to a *Fourth* which we hope will be the *last*. For being, after so many changes, happily settled in a subjection to *England*, (22) our desire is never to be removed from it, until the coming of that Great Day which will put an end to all Rule and Dominion among men.

From *Rollo* (taking him into the account) to *William the Conqueror*, there have been of the same Family six Dukes of *Normandy*, our Lords and Masters. I mean Dukes of *Normandy* without the accession of *England*. I shall do little more than set down their names, in the order in which they succeeded each other.

ROLLO, first Duke of *Normandy*, at his Baptism called *Robert*, by which latter name he is little known at present, it being in a manner eclipsed by the brighter fame and reputation of the other.

WILLIAM I. surnamed *Longue-espée*, from his *long sword*; son of *Rollo*. All the *Normans* wore long swords, and to that, together with their use of the *long bow*, their Writers ascribe their Victory over the *English* when they came in with the *Conqueror*. The *English*, it seems, fought with *pole axes* (*). At the first onset the *Normans* sorely galled them with their arrows. It coming to a close fight, while the *English* in handling their heavy weapons were obliged to lift up both arms, and so to leave their bodies open and unguarded before, the *Normans* ran them through with their *long-swords* (†). This particular being omitted by our Historians, in the relation they give of that famous

(*) *D'autres bastons ils ne se servoyent point.* Chron. de Normand. Ch. xlix.

(†) *Les Normans abbatoyent les Anglois de leurs longues-espées si dru, que de leur hachée ne se pouvaient defendre, si non que a deux mains; & comme les Anglois haussoyent les bras pour frapper un Normand, l'autre Normand de la pointe de son espée le transperçoit de part en part.* Chron. de Norm. Ch. xlix.

battle, I thought it not amiss to give it a place here. Duke *William* in size and strength of body exceeded ordinary men, which enabled him to wield a *longer sword* than the rest of his *Normans* (*). It could not however preserve him from being basely assassinated by *Arnold* Earl of *Flanders*, at a conference held under pretence of a reconciliation betwixt them. He was no ways inferior to *Rollo* his father in valour and wisdom of government.

RICHARD I. surnamed *Sans-peur*, i. e. *Intrepid* or *Fearless* (†), son of *William Longue-espée*. Being but ten years old when his father was murdered, his Minority encouraged *Lewis IV.* King of *France*, to attempt the regaining of *Normandy*. Treachery and open force were both employed to effect it, and the Country was overrun with *French* armies. But through the fidelity and good conduct of those who governed the young Duke's estate in his tender age, but especially through his own undaunted courage and resolution, when he came to head his troops in person, the *French* were beaten out of every inch of ground they had gained, and this brave Prince remained to the end of his life superior to all his enemies around him, so far as once to have the *French* King himself his prisoner. In this height of power and reputation, *Ethelred* King of *England* sought his friendship, and married his daughter, the famous *Emma*, (‡), mother of *Edward the Confessor*; Providence so early preparing a way by that Alliance, for those after events which advanced one of his Blood to the Throne of *England*.

RICHARD II. surnamed *Le Bon*, i. e. *the Good* son of *Richard I.* Such a Surname, given to few Princes, because few indeed have deserved it, does him honour enough, without adding any thing more; unless it be this, (to obviate a suspicion of weakness) that he was no less valiant and wise, than good.

(*) Id. Ch. xxvii.

(†) *Pour quelque chose qui luy avint, ou qui se presentast devant luy, il n'eust jamais peur. A raison de quoy fut surnommé Richard sans peur.* Id. Ch. xlii.

(‡) *Emmæ Angl. Reginæ Encom. Authore coetan. apud Du Chesne. pag. 161.*

RICHARD III. Son of *Richard II.* wanted only a longer life to render him equal to any of his predecessors, having in his father's life-time performed actions that had raised a great expectation of him. But after a short Reign of two years he died unmarried, and so left the Dutchy to his brother.

ROBERT, surnamed *Le Magnifique*, i. e. *the Magnificent*, or *Liberal*; which glorious Title he made good by many acts, both of Bounty to Inferiors, and of Generosity to Equals, I mean to other Princes who needed and craved his assistance. To him *Henry I.* of *France* owed no less than his Crown, of which an unnatural mother would have deprived him to set up a younger brother. By him the distressed remains of the Family of *Ethelred* (who was his uncle by the marriage of *Emma* his father's sister) were preserved from the fury and cruelty of the *Danes*, and *Edward the Confessor* was long kept and entertained at his Court. More than that, the noble Duke at a vast expence raised a powerful army to expel the Usurpers, and restore the injured Family to their inheritance; but in his passage met with such tempestuous contrary winds, as forced him with his fleet into JERSEY, as *Gulielmus Gemmeticensis* (*), (23) or as *Walsingham* and others have it (†), into *Guernezey*; tho' I rather think into the former, because 'tis added that from thence he afterwards sailed to *Mont-Saint-Michel* to which JERSEY is much nearer than *Guernezey*. Be it one or the other Island, there he was so long detained, that the proper season and opportunity for action was lost. Some time after, upon failure of the *Danish* Line, *Edward the Confessor* ascended the Throne peaceably, and then requited the Duke's kindness (who was now dead) by raising the hopes of his son, and giving him encouragement to look towards the Crown of *England*. This son was the only one of *Robert*, and by birth illegitimate, yet

(*) *Nimiâ tempestate acti ad Insulam quæ GERSUS vocatur.*—Hist. Norman, Lib. vi. Cap. x.

(†) — *ad Insulam quæ vocatur GERNSI* — Ypodig. Neustriæ. pag. 23. Chrou. de Normand. Ch. xiv. Abrégé de l'Hist. de Normand, Ch. iii. pag. 106.

for his promising qualities preferred by his father to all collateral relations in the Succession of *Normandy*. We shall see him by and by with both the Royal and Ducal Crown upon his head.

All these Princes shine in History, and 'tis noted as a felicity peculiar to *Rollo's* Race, that none were seen to degenerate, but like him to be all eminent in Peace and War (*); which is very true, so far as we have gone in our account of them; while in the same Age, the Descendants of *Charlemagne* were sunk into such prodigious sloth, and unaptness for Government, that hardly any trace appeared remaining in them of the virtues of their great Ancestor. For *six* such Princes as those above, to follow one another without interruption, in a continued series of 154 years, and no worthless creature to thrust in, and break the beauteous Link, is extraordinary enough to deserve observation. Not that they were exempt of all blemishes, but those were less heeded for the sake of their greater excellencies.

'Tis from the good character of these Princes that I am left to guess at the state and condition the Islands were in under them. I say, left to guess, because here Memoirs and Authorities fail me. But if a people are rarely unhappy under a good Government, it could hardly fare otherwise than well with the Islands, while such Princes ruled; which is all that can be said upon that subject. After *Robert*, the last of the *six*, comes his son,

WILLIAM the Conqueror, the beginner of a new *Epocha* in the History of *England*, and from whose Conquest of that Kingdom I date the *Fourth and Last Revolution* amongst us; though indeed in critical strictness it should rather be placed in the Reign of his younger son *K. Henry I.* For whilst *Robert*, elder brother of *Henry*, held *Normandy*, after his father's decease, we were his subjects, that is, subjects to a Duke of *Normandy*. But when *Henry*.

(*) *Nous devons cette remarque glorieuse à la mémoire de nos Ducs de Normandie, que depuis Raoul — il ne s'en est pas rencontré un seul foible, lasche, ou meschant, non pas seulement médiocre; mais tous ont été excellens en toutes, ou en la pluspart des qualitez requises en des Princes capables de commander aux plus grands Estats de la Terre.* Abrégé de l'Hist. de Norm. Liv. iv. pag. 129.

had dispossessed his brother, and added *Normandy* and these Islands to the Kingdom of *England*, we then became *English* subjects. *Robert's* Reign was so short, that the break it makes is inconsiderable. Our subjection therefore to *England* may, with very little error, and with that small exception, be reckoned to have commenced at the *Norman Conquest* an. 1067, from which time to this (*), are 664 years. And if we go so far back as the Treaty betwixt *Charles the Simple* and *Rollo* an. 912, it is not less than 819 years since *France* yielded us up, and that we have been under the more happy dominion of other Powers. (24)

This gives the inhabitants of these Islands the Precedency, as to priority of Time, before all others their Majesties subjects, saving only the purely *English*; *Ireland* not being subdued till the Reign of *Henry II.* nor *Wales* reduced till that of *Edward I.* and neither the one nor the other, perfectly even then. Thus also the Accession of *Scotland* happened not till the beginning of the last Century, to say nothing of the *Plantations* abroad, which, in comparison, are but of yesterday. I speak not this to derogate from the honour of Kingdoms and Principalities which do vastly exceed us in expansion of Country, and have brought a far greater addition of Power to the *English Empire*; but to demonstrate their Majesties ancient and indisputable right over us, and shew at the same time how strong our attachment is to *England*, which has stood the long Test of so many Ages.

By the *Conquest* no small change was introduced into the Laws, Customs, Manners, and the very Language of *England*; as it usually comes to pass on the like great Events. In the Islands we were not subject to this inconvenience, for a very plain reason, if I may presume to speak it, *viz.* our being, not on the *conquered* but on the *conquering side*. Our Constitution being in all things like that of *Normandy*, could not be affected, or any way suffer, by a Duke of *Normandy* bringing another Nation under his power; therefore it remained as it was, and so (for the most part) subsists to

(*) *Viz.* to this present year 1731.

this day (25). All the change we felt, was, that instead of a *Duke*, we now had a great and powerful *King* for our Sovereign, or rather we had both in the same person.

At last this mighty Prince, after a Reign famous for military exploits, gave way to fate, and met his death in *Normandy* by an uncommon accident. He had taken the Town of *Mante*, and in revenge for some contemptuous words spoken of him by the *French King* to whom the Town belonged, he would have it burnt and laid in ashes. As he was riding through the streets amidst the fire and smoke, pressing the execution of his cruel orders, his Horse pitch'd with its forefeet into a sink, and in raising up and recovering itself, the King received such a contusion in his groin by the pommel of the saddle, that he fell into a languishing, of which he died (*). I mentioned before his being buried at *Caen*, in the Church of the great Abbey founded by himself, where I have seen his Tomb. 'Tis a plain Altar-Tomb, standing in the middle of the Choir; and has two Inscriptions on it, one on each side; the first setting forth the Quality of his Person, and the Union of *England* and *Normandy* under him (†); the other reciting how that Monument had been demolished by the Hereticks (meaning the *French Protestants*) and was now repaired by the Religious of the Abbey, in gratitude to the memory of their Royal Founder (‡). Such violation of Sepulchers, respected by the very Heathens themselves (§), can do no service to any cause, and brings reproach upon a good one. (26).

(*) *Comme il chevauchoit par la ville, son cheval mit le train de devant dedans une fosse ou malière, et au resouldre il se blessa grièvement en la penillière, se heurtant à l'arson de la selle.* Chron. de Normand. Ch. I.

(†) *Qui rexit rigidos, Northmannos at que Britannos.*
Audacter vicit, &c.

(‡) *Hoc Sepulchrum invictissimi juxtâ & clementissimi Conquestoris Guiellelmi, dum viveret Anglorum Regis Normannorum, Cœnomanorumque Principis, hujus insignis Abbatiae pii Fundatoris, cùm anno 1562 vesano Haereticorum furore direptum fuisset, pio tandem ejusdem Abbatiae Religiosorum gratitudinis sensu in tam beneficum largitorem, instauratum fuit, anno Domini 1642.*

(§) Vid. Guther. de Jure Manium, Lib. iii. passim.

ROBERT II. surnamed *Courte-cuisse* and *Courteheuze* (*), eldest son of the *Conqueror*, Duke of *Normandy* exclusively of *England*. Good and evil were so oddly blended in this Prince, that 'tis not easy to hit his just character. Valiant and bold as all of *Rollo's* Race, affable and popular, generous and compassionate ; but withal rash and imprudent, credulous and inconstant, prodigal and giving without measure or distinction (†) ; once or twice in open Rebellion against his Father, yet rather through the inducement of others, than from an evil disposition in himself. Such a conduct however had lost him much of his Father's affection. He was rambling in foreign Courts when his Father died, which gave opportunity to *William Rufus*, the *Conqueror's* second son, to hasten over to *England*, and secure that Kingdom for himself, leaving *Normandy* to *Robert*. This created a war betwixt the two Brothers, which ended in a pact of mutual Succession, whereby *England* and *Normandy* were to be rejoined in the survivor, in case the deceased left no issue (‡).

After this, came on the famous *Croisade* for the recovery of the *Holy Land*, in which *Robert*, engaged, with *Godfrey* of *Boüillon* and other Princely Adventurers. But wanting Treasure for the charge of such an Expedition, he was obliged to borrow, and found none more ready to lend than his brother *Rufus*, who was not displeased to see him go so far out of the way, and took care to have *Normandy* mortgaged to himself for the security of his money. The Duke's known valour and liberality had so much recommended him to Military Men, that he set out well attended ; and we have still extant a list of those *Seigneurs* i. e. noble and qualified Persons of *Normandy*, who followed his Standard, and signalized themselves with him in that war. Among

(*) *Corpore brevis et grossus, ideoque Brevis Ocrea à Patre est cognominatus* Orderic. Vital. Hist. Eccl. Lib. viii.

(†) Id. Ibid..

(‡) *Hoc statuerunt inter se, si alter sine hærede moriretur, hæreditas defuncti superstiti remaneret.* Walsingh. Ypod. Neustriæ. pag. 33.

them we find the name of *Renaud de Carteret* (*), a Name and Family of great Honour and Antiquity with us in JERSEY, where it then held, and still holds, the first and chief rank; nor do I doubt of the said *Renaud* being accompanied by some of our bravest Islanders, pursuant to what is observed of multitudes going on that enterprize from almost every part and corner of Christendom (†).

The Duke remained about five years abroad, and acquired an immortal Renown by his many Heroic Atchievements. It was indeed the most glorious part of his life. Happy, if he had never looked back towards *Europe*, and had accepted of the Crown of *Jerusalem*, which after the taking of that City from the Infidels, was, by the unanimous voice of all the Princes in the Christian Army, tendered to him. But news coming of the death of *William Rufus*, and of the vacancy, (as was reasonably supposed) of the Throne of *England*, *Robert* thought it more eligible to go fill that Throne (which now was his by a double right, *viz.* his birth, and the agreement with *Rufus*) and reign over the *English* and his own *Normans*, than to take upon him the Government of a newly-erected and yet unsettled Kingdom. How great must his Disappointment be, to find at his return the place already taken, and himself once again supplanted and circumvented by another younger brother! This was *Henry Beau-clerc*, third son of the *Conqueror*, who happening to be in *England* and present at the death of *Rufus*, took the advantage of *Robert's* absence to step betwixt him and the Crown. For a while these two Rival-Brothers tried their strength one against the other. Valour and Right were on the side of *Robert*, but those could not stand against the power of *English Gold* (‡), by means whereof *Henry* was enabled to

(*) Catalogue des Seigneurs de Normandie—qui furent en la conquete de Hierusalem soubz Robert Courte-heuse, &c. Du Moulin, Curé de Maneval. Hist. de Normand. à la fin du livre.

(†) Fuller's Hist. of the Holy War. Book V. Ch. 21, &c.

(‡) *Anglus in Normanniam trajecit, fratremque in armis occurrentem, non virtute victum, sed quibusdam ex intimâ familiaritate ANGLICO AUREO corruptis prodentibusque, in potestatem redigit in perpetuamque coniecit custodiam.* Paul. Æmyl. de rebus gest. Franc. Lib. v. in Ludov. vi. Chron. de Normand. Ch. liv.

carry the war into *Normandy*, with the resolution not to leave his brother even That, but to strip him of all. By the same means the Fidelity of the *Normans* was corrupted, and the unfortunate Duke, deserted and betray'd, fell into the hands of the Usurper of his Birth-right, who caused him to be transported into *England*, and shut up close prisoner in *Cardiffe-Castle*, with his eyes put out. There he languished many years in darkness and misery, till with the extreme indignities his unnatural brother continued even then to throw upon him, his great heart broke. Nor could he obtain so much as a decent Tomb to cover him when dead, that under which he lies in *Glocester-Cathedral* being only of wood, as Mr. *Camden* observed in surveying those parts (*).

I have been the more particular in my account of this greatly injured Prince, because he was the last of our Dukes. For since him we have had none, but either Kings, in whom the Royal Dignity absorbed the Ducal, or mere titular Dukes, who are of no consideration in this place. I must further do him the justice to add, that notwithstanding his Misfortunes, and the Triumphs of his Brothers, he certainly was, as the eldest, so the worthiest of the three. He had faults, but they had greater, and he had virtues which they had not. It was their duplicity, and his open and generous heart, that gave them all the advantages which from first to last they gained over him, that lifted them up and cast him down. I conclude in the words of an ingenious Author (†), *That as the noble exploits which he performed in the Holy War may atone for many errors, so they much outweigh, and are better worth than all that his Brothers ever did.* And so I pass to

HENRY I. From the death of the *Conqueror*, *Robert's* Reign over us in these Islands had caused a cessation of our dependance upon, and subjection to *English Kings*, whereunto we were now brought back by *Henry*. But when 'tis

(*) *Britannia*. 2d Edit. in *Glocester-shire*. pag. 275.

(†) *Les hauts exploits que fit Robert dans la Terre Sainte, peuvent en quelque façon effacer ses dérèglemens passez, et valent mieux que tout ce que ses frères ont jamais fait.* *Masseville Hist. Somm. de Normand.* Part. I, pag. 260.

said that after *Henry* had overthrown his brother, he *did unite* (*), or *did annex* (†), *Normandy* and these Islands to the Kingdom of *England*, those Learned Men who thus speak cannot be understood to have meant it of a proper incorporating *Union*, but only of a *Conjunction* of the two States, *England* and *Normandy*, under one Head. For those remained no less distinct than before, and he who was a King in *England* was truly no more than a *Duke* in *Normandy* and in these Islands. But of this only by the way.

King *Henry* now reigned on both sides of the water, in full possession of all that had been the *Conqueror's*, and no doubt flattered himself with the hope of transmitting the same in as ample a manner to his Son. He had none but him legitimate, therefore to secure a *Posterity*, of which he was most desirous, he married him young (‡), to a daughter of the Earl of *Anjou*, and withal made him Duke of *Normandy*. Sometime after the solemnity of the Nuptials, and a Peace made with *France*, the King attended by the new-married Couple, and a numerous Court, came to *Barfleur* (§), in order to embark for *England*. Every thing hitherto had succeeded prosperously to *Henry*, but now such a Calamity befel him as was judged to be a stroke of the avenging hand of Heaven, pursuing him for his injustice and cruelty to his brother. This Son and Heir, from whom he looked for a long succession of Kings to enjoy the great Acquisitions he had made, was on the sudden snatched away, by a strange and surprizing Fate, which denied the unhappy Father even the poor satisfaction of gracing his dead Son with a funeral. For the Ship that carried him was lost, and He perished in the waters, never seen or heard of more. With him died two more of the King's children, a

(*) When King Henry I. had overthrown his elder Brother Robert, Duke of Normandy, he did UNITE to the Kingdom of England perpetually the Dutchy of Normandy, together with these Isles. Coke's Iustit. Ch. lxx.

(†) ——— Normanniam et has Insulas Angliæ regno ADJUNXIT. Camb. de Insul. Britan. pag. 855.

(‡) At sixteen Years of age.

(§) A sea-port Town in Normandy.

son and a daughter, besides many persons of the first rank, and of both sexes, mostly the young and gay part of the Court, who had chose to go with the Prince ; in all, with the ship's crew, to the number of near three hundred ; the whole manner and circumstances of which dreadful Shipwreck may be seen at large in *Ordericus Vitalis* (*), who lived at that time, but are too long to be inserted here. I shall only make use of him to correct an error in the First Edition of my Book, relating to this affair.

I say there *pag.* 11, speaking of the Prince and his Company, that *they were driven by a storm among these Islands, and were cast away upon Casquet, a dangerous Rock two leagues West of Alderney, where they miserably perished.* I quoted in the margin my Authority for mentioning *Casquet* though it seemed hard to me to conceive how they should be carried so far out of the way, while the ship in which the King was held its course with a fair wind to *England.* I sought whether there might not be another rock of the same name, nearer, and more in the passage, and finding none I acquiesced in the Authority, and set down *Casquet* as I found it. In *Orderic* the matter appears very plain. For he tells us that the rock on which they split, *covered at high-water,* which is not applicable to *Casquet* ; and what is yet plainer, that the dismal *cries and shrieks* of those who found themselves perishing *were heard from the shore* ; moreover, that when the Tyde was down *the sunk ship remained dry on the sands, and the treasure that was in it was saved.* All this shews that they went not far beyond the Harbour, and were lost on some one or other of those many rocks which lye thick about *Barfleur,* and make the going in and coming out very perillous, as is observed by the *French coasters* (†), who must know the same well.

The Prince had very imprudently ordered Wine in large quantities to be given to the Seamen, so that they were all drunk when the signal was made for sailing. They let the

(*) *Eccles. Hist. Lib. xii.*

(†) *Petit Flambeau de la Mer. Ch. i. p. 18.*

King go before, boasting that they would soon overtake him, and stirred not till it was dark, whereas they could not have too much light to see their way through so many dangers. The Passengers themselves, if not drunk like the seamen, were intoxicated with something else, for they scoffed and laughed at the Priest and Religious Men who came on board to pray for a Blessing on the Voyage ; inso-much that a few others more serious, disliking such libertine Company, left the ship, went back a-shore, and by so doing had their lives preserved. *Walsingham* (*) reports of this Prince, that *he had threatened, if ever he reigned over the English, he would make them draw at the plough like oxen ;* so early did he betray an hereditary disposition to Tyranny and Cruelty.

Whatever power Time might have to moderate *Henry's* grief for the loss of his Son, it could not cure his Ambition. That Son being no more, for the sake of whom and of a Posterity he had involved himself in so much Guilt, an opportunity lay now before him to make some atonement, by at least restoring *Normandy* to his brother, still living and his prisoner. Or if that poor Prince's Blindness rendered him unfit to govern, he had a Son capable of it, to whom right might have been done. But *Henry* would part with nothing. Still desirous of an Heir, he sought to obtain him by a second Marriage ; but in this he was crossed again by Providence ; so that at his Death he left only a legitimate Daughter (†), who carried his great Estates into another Family, *viz.* the *Plantagenets* of *Anjou*, and in him the Male Line of our ancient *Norman Dukes* was wholly extinguished. Thus was an end put to that Race, when through the Ambition and unnatural Feuds of the *Conqueror's* Sons, it declined from the Justice, and Mercy, and other Princely Virtues of its first glorious Founders.

I have said that *Henry* left a Daughter, in whom the

(*) *Hic jactitaverat, quod si dominium super Anglos aliquando acciperet, eos quasi boves ad aratrum trahere faceret.* Ypodig. Neustriæ. ad. an. 1120, pag. 37.

(†) Illegitimate Children he had many.

Right of Succession lay, being legitimate. But although she lived to see Two Vacancies of the Throne due to her Birth, yet through an adverse Fate which seemed to pursue *Henry's* Children, she was kept out of it to the last. She is known in our Histories by the name of the Empress *Mathilda*, or *Maud*, and was then Wife of *Jeffrey Plantagenet*, Earl of *Anjou*; but had been so before of *Henry V.* Emperor of *Germany*, whereby she acquired the Title of Empress, retained by her ever after. He who disputed her the Throne upon the Death of her Father, was

STEPHEN, Son of a Daughter of the *Conqueror*, and so far he prevailed as to get and keep Possession, though with much contention and trouble, till he also died. Then came in her Son

HENRY II. by whom she was again excluded, but whether with, or without her consent, is no part of my subject to inquire. This King in extent of Dominion surpassed all his Predecessors. For besides *England* and *Normandy*, which came by his Mother, he inherited of his Father the Counties of *Anjou*, *Maine* and *Touraine*; and by Marriage with *Eleonor*, Heiress of *Guyenne* (whom *Lewis VII.* King of *France* had imprudently put away) that noble Dutchy, with the Earldom of *Poictou*, and other appurtenances reaching as far as the *Pyrenées*, came likewise into his hands: So that he was Master of well-nigh one half of *France*, and to him the better and more valuable half on account of the easy Communication of those Provinces with *England* by Sea.

In this Reign began the Declension of the Abbey of *St. Helier* in *JERSEY*, once the Glory of this Island. I mentioned before how it was founded by a *Norman Nobleman*, in honour of the Martyr of that name. It stood on the same Plot where now is the Lower Ward of *Elizabeth-Castle*, and was, if not a magnificent, yet a handsome Fabrick, as one might judge from part of the Church yet in being within my remembrance; and if there be Truth in the Tradition, that All betwixt the Castle and the Town, which the Sea now overflows, was then rich Meadow-land,

the Situation must needs be very delightful (27). It was endowed with a good Revenue, both in the Island and in *Normandy*. It was filled with Canons Regular of the Order of St. *Augustin*, living under a Discipline and Government that gave Reputation to the House (*). Such was the State of it when the Empress *Maud*, passing from *England* into *Normandy*, and meeting with danger at Sea, made a Vow that if it pleased God to deliver her from the Distress she was in, she would build an Abbey in the place where she should come to land, which proved to be *Cherbourg*. Mindful of her Vow she sent for *Robert*, Abbot of St. *Helier* in JERSEY, and committed the Work to his Care, as one well versed in such Affairs (†). Thus was the Abbey built, and called *de Voto*, from the Empress's Vow; and in reward of his service, Robert was made the first Abbot of it, without relinquishing St. *Helier*: Yet so that the Two Houses remained distinct and separate, although they had but one and the same Superior. And so far no harm was done us. But it was soon after suggested, that the Endowment of the New Abbey fell short of what was requisite to support the Dignity of a Royal Foundation, and therefore the King was moved to have St. *Helier* laid and annexed to it; which was done, to the great prejudice and detriment of the Island. For whereas before, the whole Estate of St. *Helier*, (which says *Robertus de Monte* (‡), was *tripliciter ditior*, i. e. thrice richer than the other) had used to be consumed and spent within the Island, the same must thenceforth be carried over to *Cherbourg*, after a small portion reserved for the maintenance of a Prior and a few Canons. And now it must no longer be called the *Abbey*, but the

(*) *Pluribus annis floruit, et Monasticæ vitæ observantiâ, et regularis disciplinæ exercitio, &c.* Neustria Pia in S. Helerio, p. 712.

(†) *Cum votum suum adimplere decrevisset, de ædificando Monasterio juxtâ Cæsaris-burgum, accito Roberto Sancti Helerii Cœnobiarchâ apud GERSOY-ANAM Insulam moras agente, totum illius rei negotium ipsi committit, &c.* Id. in Cæsaris-burgo, p. 814.

(‡) *Waltherus Rothomagensis Archiepiscopus impetravit a Domino Henrico Rege Anglorum, ut Abbatia Sancti Helerii, quæ est in Insulâ GRISOLII (aliter GERSEII)—jungeretur Abbatiae de Voto, quæ est juxtâ Cæsaris-burgum—Erat autem tripliciter ditior, tam in Normanniâ quam in Angliâ, quàm Abbatia de Voto, &c.* In appendice ad Sigebertum, ad, an. 1184.

Priory of St. Hélier; and on that foot of a *Priory* it stood until the Reign of *Henry V.* when all *Priories Alien* were suppressed, both in *England* and in these Islands (*). By its being thus made a Cell to *Cherbourg*, it came to be involved in the Fate of those Houses, and fell along with them; which could not have been, had it remained an *independent Abbey* as it was at the first. Its Ruin would at least have been protracted to the Times of *Henry VIII.*, which swept away indiscriminately all such Religious Foundations. To finish this account of the *Abbey* or *Priory of St. Hélier*, all Lands or other Possessions whatsoever belonging to it within the Island, were seized into the King's hands, and are at this day part of the Royal *Domaine*. The *Fabrick* mouldered away with Time, nothing remaining but the *Choir* of the Church, which was kept up for a *Chapel* to the *Castle*; and even of That there is not a Stone now left standing, it being demolished to make room for *Lodgments*, and to enlarge the *Parade*.

To *Henry II.* succeeded his Son

RICHARD I. *i. e.* the *First* of the name as King of *England*, but the *Fourth* as Duke of *Normandy*. This is the last of *English Kings* that held *Normandy* by an allowed and uncontroverted Right. For though both He and his Predecessors were almost perpetually at war with the *French*, yet the Dispute was not about the Title to that *Dutchy*, but about other Matters and Incidents, such as frequently happen and beget differences betwixt neighbouring Powers. All this while *Normandy* and these Islands were so intimately conjoined, that they made but One. Their Interests, both Civil and Religious, were the same. Families residing in the Islands had Lands and Possessions on the Continent, and so *vice versâ*. Briefly it may be said, that in every thing we were as much *Normans* as the *Normans* themselves. But now the time was come when all these Ties which united us to them and them to us, must be dissolved, and the Islands have nothing more to do with *Normandy*, unless in the way of *Ennemy* and *Hostility*. What

(*) See hereafter in the Chapter of Religion.

gave occasion to so great a Change, and how it was brought about, will appear by what follows (28).

King JOHN's Reign, which comes next, was a long and continued Scene of War, Misery, and confusion. But as I am not writing the History of *England*, it will be sufficient for my purpose to take notice only of so much as affected these Islands in the course of that unfortunate Administration. Unfortunate indeed to *England*, which sustained so great losses under it ; but to us of these Islands rather fortunate and happy in the event. For to it we owe our Separation from *Normandy*, which through the merciful Providence of God has turned to our great Good. That large and once flourishing Province feels now the heavy weight of a *French* Government, and is known to be the most oppressed of any in that Kingdom. The same would our miserable Fate be at this day, were we still attached to it as heretofore, besides our remaining under the darkness of Popery, a greater Evil even than the other. Our People are very sensible how much better their Condition is than that of their Neighbours, and behold them with much Contempt, who perhaps should rather be pitied.

I must now observe, that *Henry II.* had, among other Sons, these Three following, 1. *Richard*, who succeeded him, as above, and died without lawful Issue. 2. *Jeffrey*, who died in his Father's life-time, leaving a Son named *Arthur*, Duke of *Bretagne* in right of his Mother *Constantia*, Heiress of that Dutchy. 3. *John*, Earl of *Mortain*, in *Normandy*. Upon *Richard's* Death, who was killed at the Siege of a Castle in *Guyenne*, the Succession devolved of right on *Arthur*, whose Father *Jeffrey* was prior in Birth to *John*. But *Arthur* was a Minor (*), and *John* despising his Youth set up for himself, and made his way to the Throne. Whereupon the Duke's Mother, in behalf of her Son, sued to *Philip Augustus*, King of *France*, for Protection and Succour ; who seemingly entering into so just a Quarrel, fell upon *Normandy* with all his Forces. But a generous and disinterested assistance of an Ally in distress, never was a

(*) About twelve Years of Age.

French Virtue. Philip made it soon appear by his whole Conduct, that he meant only to fish in those troubled Waters, and under colour of supporting the Duke promote his own Affairs; in plain words, to keep for himself what he could recover from *John* under the other's Name. But to wave that, *Arthur* being grown up to an age fit for Action (*), exceedingly beloved, and giving great hopes of him on account of his many excellent Qualities (†), actually invested of the Dutchy of *Bretagne* by the Demise of his Mother (§), owned and acknowledged for their only rightful Prince by the greater part of the Nobility of those Provinces along the *Loire* which were the Patrimony of the House of *Anjou*, began to make a Figure, and to appear in a capacity of freeing himself from Oppression, and asserting his Right: But these fair Beginnings proved illusory, and of short duration. For while he lay too secure at *Mirebeau*, a strong Place in *Poictou* which he had lately reduced, King *John*, by a quick and sudden March out of *Normandy*, came unexpectedly upon him, retook the Town, and (which was most deplorable) got him, even the unhappy Prince himself, into his power. There is no doubt but from that moment the cruel resolution was taken to send him out of the World. But *John* durst not go about it, whilst his Mother *Eleonor*, Relict of *Henry II*, was living (§), who could not be pleased with shedding the Blood of her Grandson, though she had been the chief Agent in putting him by from the Crown:

(*) About sixteen.

(†) *C'était un beau & jeune Prince, et de belle espérance, auquel on voyoit desjà s'espandre la Semence de Vertu, &c.* D'Argentré Hist. de Bretagne. Liv. iii. Ch. lxxv. fol. 209. verso.

(‡) *Polydor Vergil*, and others, speak of her as outliving her Son, and bring her in as a Supplicant to *Philip Augustus*, for Justice against King *John* his Murtherer. But *D'Argentré* best acquainted with the Affairs of *Bretagne*, is express to the contrary; and mentions it as a Happiness of the good Lady, that by dying the Year before she was put out of the reach of that cruel Stroke. *Son heur fut qu'elle ne vid point la mort et parricide de son fils, qui fut tué puis son trespas, la suivante année.* Ut sup. Ch. lxxvii. fol. 210. verso.

(§) Some place the Death of *Arthur* before that of *Eleonor*, but I chuse to follow the best Historians who relate it otherwise. *Joannes, quoad vixit mater Leonora, nihil durius in Arthurum constituit* (says *Paulus Æmylius*) *eâ pro illo deprecatrix. Vixit dum circumacto anno defunctâ, adoleseentem necavit.* Lib. VI. in *Phil. Aug.* To the same purpose speaks *Mezeray*.

In the mean time *Arthur* was laid under safe Custody, in the Castle of *Roüen*, there to wait his Fate. It was not long e're the old Queen died, and then his Turn quickly came to go after her, but by what kind or manner of Death was variously given out. Sometimes it was said, that he died in his Prison, of mere grief and anguish of Mind ; at other times, that endeavouring to escape by swimming over the *Seine*, which runs under the Castle-walls, he perished in that River. And no wonder if those and other like Reports were raised, on purpose to divert the attention of Men from the true Author of his Death. Those Writers who most favour King *John*, are forced to confess that he was *diffamatus* (*), to use their own word, *i. e.* charged by common Fame with the Murther of his Nephew. But *D'Argentré* is positive in the matter, and roundly calls them *Menteurs*, *i. e.* Liars and Sycophants, who went about to clear the guilty King ; and is particularly angry with *Matthew Paris*, for saying only of the Prince *subitò evanuit*, *i. e.* he vanished or disappeared on the sudden, as though he had sunk into the Earth. The Relation which he himself gives is indeed very Tragical. *John*, saith he, (†), *leading his Nephew after him, as a Lamb to the Slaughter, brought him from Roüen to Cherbourg, for more privacy and better opportunities to dispatch him. There one day, late in the evening, followed only by a few, he got on horseback, making the Prince ride before him, then leaving his Attendants behind, he went on along the Coast, till he had found a place fit for his purpose, which was a high Cliff hanging*

(*) *Erat Arthurus Britonum Comes, quem Johaunes Anglus cum cœpisset, eum occidisse DIFFAMATUS est.* Gaguin. de Franc. gest. Lib. V. in Philippo Aug. *Arthurus Rothomagi moritur, de cujus morte Regem Johannem quidam ejus æmuli INFAMAVERUNT.* Walsing. Ypod. Neustriæ, p. 51.

(†) *Le Duc Arthur estant prisonnier de Jean Sans-terre, il le fit transporter de Falaize a Roüen, delibéré de s'en depescher, comme il fist, le menant par tout ou il alloit, comme l'aigneau a la boucherie. De Roüen il s'en alla a Cherbourg, pour estre plus a recoy ; ou un soir assez tard il se mist a cheval, et ce jeune Prince devant luy ; et laissant arriere ce qu'il avait de gens, commença a marcher sur la rive, jusques a ce qu'il eust choisi un endroit d'un haut rocher regardant sur la mer ; approchant lequel il donna un coup d'esperon a son Cheval, et d'un coup d'estoc perça le Corps du Duc Artur, criant mercy ; puis l'ayant jetté par terre, le tira par un pied, et le jetta du haut du rocher en la mer, demi mort, ny ne peut le Corps estre retrouvé. Ut sup. Ch. lxxv. fol. 209.*

over the Sea. Being got there with the Prince, he spurred his Horse up to him, and with his Sword ran him through the Body, the poor Prince crying in vain for Mercy. That done, he pulled him to the ground, and dragging him by the feet to the brink of the Precipice, flung him to the bottom in the Water, not being yet quite dead, nor was the Body ever seen afterwards. On the Authority of so grave an Historian, I venture to speak more affirmatively now, and with greater assurance, concerning this most wicked Fact, than I did in the first Edition of my Book, where I left it as doubtful and uncertain. Having moreover been twice at *Cherbourg*, and retaining still a remembrance of the Coast and Cliffs about it, every thing there appears to me to agree with his Narration.

When the News came into *Bretagne* of the Death of their young Duke, and by what hand the barbarous Deed was committed, Horror and Indignation filled every Breast (*). A general Assembly was called to meet at *Vennes*, where they unanimously joined in an earnest Petition to *Philip Augustus* to do Justice upon the Murtherer, who (they said) was accountable to him as his Vassal and Feudatory. Those of *Anjou, Poictou, &c.* came in also with the like Addresses. This was exactly what *Philip* wanted, and encouraged under hand. For as it flattered his Pride to have a King of *England* cited to stand at his Bar under the ignominious circumstances of a Criminal, so he well understood how great a gainer he should be by all those vast Forfeitures which *John's* Condemnation would bring in to him. Nor was he in pain about the event of a War, by reason that to pursue so foul a Murther with just and deserved Vengeance, would not look like other Wars kindled by Ambition, but rather like a sort of *Holy War*, which all Men would favour and wish well to. And though in all this affair, he acted only out of private and selfish Views of his own, he knew how to conceal those under the specious shew of doing right to the injured. Not to say that Kings, for the most part, so they obtain their Ends, seldom trouble

(*) D'Argentré ut sup. Ch. lxxviii. fol. 211.

themselves with what the World thinks of them and their Actions. And now the Prosecution went on with all the Formalities of a legal Trial (*). Thrice *John* was summoned to appear personally before *Philip* in his High Court of Parliament, and there answer to the Charge of Felony exhibited against him; to which refusing to submit, as unsafe for his Person, and injurious to his Kingly dignity, Judgment passed upon him for Contumacy and Parricide; and all his great Estates in *France* were ordered to be seized and reunited to that Crown, as being forfeited by his Attainder. *Philip*, at the same time, was prayed to execute the Sentence (†), which he no doubt was very ready to do: How far this proceeding was according to Justice, is not for me to determine. I consider it only as it is Fact, and now pass to relate what followed upon it.

Philip had nothing so much at heart as to recover *Normandy*, which, ever since it had been alienated, had given more trouble and uneasiness to *France*, than all her other Neighbours together. He resolved therefore to begin the attack, and bend his greatest efforts, on that side. And here we have in King *John* a famous instance, how wretchedly weak a Prince is who has lost his best support, the Love of his People. The *Normans* had not yet degenerated from their ancient Valour. None were better trained up in Arms; through an almost continual use of them against the *French*. They hated that Nation as their old Enemies, with whom they had had many bloody Encounters during the run of several Hundreds of Years. Notwithstanding all which, they now suffered themselves to be made an easy Conquest

(*) Bouchet Annales d'Aquitaine, Part III. Ch. vi. p. 161.

(†) Of which *Paulus Æmylius* gives this extract. *Anglus infidelitatis scelerisque damnatur, quod immemor Sacramenti Francis dicti, filium majoris fratris, beneficiarium Francorum, in finibus qui juris Francorum essent, neque legibus quaestione habitâ, neque cognoscentibus iis quorum hae partes forent, patruus occidisset. Hostis igitur Francorum judicatur; constitutumque eum videri excidisse jure Urbium finiumque quos beneficii nomine a Francis accepisset; eaque omnia in pristinam causam restituta, et ad jus solidum Regis revertisse: in eorumque possessionem, si quis prohibeat, armis cundum. Utsup.*

by *Philip* (*), in pure disaffection to *John*. Some Towns stood out awhile, and *Roüen* the longest; but others opened their gates voluntarily, and received a King of *France*, that is to say, an Enemy, within their Walls, with acclamations of joy, as their Protector and Deliverer. So strange and so sudden a turn in the minds of a People, could proceed only from that general detestation and abhorrence which *John's* unnatural Crime had drawn upon him. But perhaps after all, the *Normans* had done more wisely, to have considered that *John* was not immortal; and in the mean time to have at all events adhered to him, how undeserving soever, in order to maintain their ancient Liberties and Government; rather than submit to a Power, which, to prevent all future molestation from them, would be sure to keep them low, and break their Spirits with Oppression, as in fact it has happened. Thus was *Normandy* lost to *England*, one hundred thirty seven Years after *William the Conqueror* had brought them Two to be under One Head, and was made again a Province to *France*, three hundred and twelve Years after it had been erected into a separate State in favour of *Rollo* and his Successors; and all this done with fewer difficulties, and in less time, than *Philip* himself, however sanguine in his hopes, could reasonably have expected.

Who now would imagine that the *French* should meet with greater Opposition in these Islands, upon which they fell next, than they had found on the Continent? For what were we, in comparison of a noble Province, full of strong Castles, and well-fenced Cities, each of which might have stopped a Royal Army many months, as several of them had actually done in former Wars? Is it, that we were a braver People than our *Fellow-Normans*? We cannot say that without rendering ourselves ridiculous, neither would it be true. For it was not for want of Courage and Bravery, as was hinted before, that the *Normans* made no better Re-

(*) *Normanni a fidelitate Regis desciscentes, Regisque Francorum favorem quaerentes, Civitates et Castra commissa suae custodiae, sine ullâ resistantiâ reddiderunt, &c.* Walsingh. Ypod. Neust. p. 52. Masseville Hist. Somm. de Normand. Part. II. p. 127. &c.

sistance, but out of Aversion to the Person of their King (*). What was it then, that kept our People from being carried along with the Stream, and following others in so general a Defection? That which most readily occurs is this, *viz.* that using the Sea more than the other *Normans* on the Continent, and making frequent Voyages to *England* (wherever since Duke *William's* Conquest of that Kingdom, the Ports had at all times been free and open to them) they became better acquainted with the *English*, and by much and long intercourse had contracted a strong liking and inclination to them and their Manners; so that when things came to that pass, that they must absolutely declare themselves *French* or *English*, they preferred the latter as the more eligible Condition. But still it will be asked, what prospect? what probable hope had they, or could they have, of being able to withstand a Power so vastly superior to them? Did they think they were a Match for *France*? Would not a rash and fruitless Opposition serve only to aggravate their Misfortunes? There is no answering these and other like Questions, but by resolving All into a kind and favourable Providence, which graciously intending to preserve these Islands, both then and in after-time, from Slavery and Superstition, inspired our People with the bold Resolution of manfully defending themselves, and was pleased to bless that Resolution with success.

So long as these Islands remained under the Covert and Shelter of *Normandy*, they seem to have stood in no great need of Fortifications, unless perhaps against the *Bretons* with whom the *Normans* had frequent Contests. But the great superiority of These made Those less feared. And as to any danger from the Wars with *France*, there could be little, or none, the Scene of those Wars being mostly in the *Upper Normandy* (†), and upon the Frontier, and consequently distant from us. The *French* could not

(*) *Odiis hominum, armisque Augusti, Joannes impar—&c.* Paul. Æmyl. ut sup.

(†) *Normandy is divided into the Upper and Lower, each sub-divided into several Bayliwicks. Rouen is the Head of the former, as likewise of the whole Dutchy; Caen, of the latter. The Islands are on the Coast of the Lower-Normandy.*

come at us but by first taking in the *Lower-Normandy*, and advancing their Conquests to the Sea-coast, as they now did. Not that the Islands were wholly naked and defenceless, it being certain that in *JERSEY Gouray-Castle* (for example) since called *Mont-Orgueil*, was already then, and had been long before a considerable Fortress ; to say nothing of *Grosnez Castle*, which also was a place of strength, and so possibly were some others. But sure it is, that the Ports and Landing-places had been left too much exposed to Descents, which gave opportunity to the *French* to gain entrance into the Islands. Nevertheless, though they so far prevailed at that time, they could not keep their ground. They were beaten out again, and forced to retire with loss. They came a second time, yet neither then could they maintain themselves against a People resolved to perish rather than fall under their Power. At the Pleas holden before the Itinerant Judges sent to *JERSEY* in *Edward the Second's* Reign, it was set forth by *William Demareys* (*), the King's Advocate, *That a certain King of France* (meaning Philip Augustus) *had disinherited John, King of England, of the Duchy of Normandy, and had also twice ejected him out of these Islands, &c. But that the said King John had twice re-conquered the said Islands, &c* (†). This was spoken after the usual manner of complimenting Princes, to whom Victories and Successes are ascribed in which they seldom have any personal share. For it was not until the Islands had made that *Brave Stand* now mentioned that King *John* exerted himself in their behalf, and then indeed he did it warmly and vigorously. No sooner was he apprized of the hazard they ran of being overpowered, and born down

(*) *Otherwise written Dumaresq, in Latin De Maresco. 'Tis one of the best, ancientest, and most numerous Families in the Island; and I think myself much honoured in the Relation I have to it by my deceased Mother.*

(†) *Rot. Placit. coram Johanne de Fressingfield, &c. Justiciar. Itiner. in Insul. An. 2. Ed. 2. Gulielmus Demareys qui sequitur pro Domino Rege, allegat quod quidam Rex Franciæ exhereditavit Dominum Johannem Regem Angliæ de Ducatu Normanniæ; & tunc idem Rex Franciæ per duas vices ejecerat prædictum Dominum Johannem Regem, &c. de his Insulis, & illas occupaverat tanquam annexas prædicto Ducatui; & prædictus Dominus Johannes Rex vi armata per binas vices reconquestavit has Insulas super ipsum Regem Franciæ; & à secundo Conquesto suo, ipse & posteri sui Reges Angliæ Insulas istas tenuerunt hucusque, &c.*

at last, should the *French* return with a greater Force, but he, not thinking it enough to send over the necessary succours, hastened himself in person to animate the People, and keep up their Courage by his presence among them. Wherein he behaved so differently from the rest of his Conduct at that memorable Juncture, that 'tis matter of just Astonishment. For all Writers take notice of his prodigious and almost incredible Indolence under all his great Losses. Whilst hardly a day passed without bringing him intelligence of some of his Castles or Towns taken by *Philip* he stood like one in a Lethargy, stirring neither hand nor foot, unmoved and unconcerned at all that happened. Neither the Reproaches and Upbraidings of the *English*, nor the loud Calls and Cries of those *Normans* who yet stuck to him, could awake him out of his Insensibility, and put him upon Action. Let the Fate of *Roüen* be brought in for instance. That great and populous City, by having been the Court and Residence of the *Norman* Dukes, had acquired the Dignity of a Capital, from which it must look to be degraded by returning under the *French*. That, with other reasons, made it retain an inclination for *John* and resolve to abide a Seige, in hope of relief from him in case of need. But when the Town, reduced to extremity, sent to him for Assistance, the Deputies could hardly obtain a hearing, and then were dismissed with this short answer, *That he could not help them, and they must shift for themselves as well as they could* (*). They found him playing at Chess, intent only on his Pleasures and Diversions, and at their return made such a report of his Neglect and Supineness, that the Town immediately capitulated. Now, is it not wonderful, that this very same Prince should on the sudden rouse himself up, shake off his Sloth, and fly to the Aid of a few small Islands, who till then had looked on the loss of whole Provinces with the greatest coldness and indifference? He might indeed have some kindness for these Islands, as they had been part of his Appanage before he

(*) Chron. de Norm. Ch. lvii. Masseville Hist. Somm. Part. II. p. 133. Vid. Gaguin. Lib. VI. in Philippo Aug. Polyd. Vergil, Lib. XV. in Joanne.

was King. For as such they were given him by his Brother and Predecessor *Richard I.* with other Lands in *England* and *Normandy*. But surely that could not work him up to such a pitch of zeal and concern for us, which was like putting Life into a dead Man. And what then must we think of this? How shall we account for it? It can be done no otherwise but by recurring again to a special Providence that watched for the Safety of these Islands; and considering *John* only as the Minister of that Providence. Had he acted of himself all the Rules of Human Prudence would have led him to neglect us, that he might attend to other Parts, which wanted him no less, and were of far greater Moment to him than we. For tho' we would not be thought so inconsiderable as to deserve no regard to be had to us, we have not the Presumption to fancy ourselves of equal importance with Dominions and Territories like those which this unhappy Prince so meanly suffered to be torn and wrested from him. Therefore I conclude that it was purely for our sakes, and for our Preservation, that such a Spirit was put into him; and am bold to say, that few Places have been so evidently the Care of Heaven as these Islands.

What I chiefly aim at in dwelling and insisting so much on this, is to stir up in the present Inhabitants of these Islands, my loving Countrymen, a just and grateful Sense of so visible a Protection from above; and remind them of taking care that they render not themselves unworthy of the continuance of it, by indulging Sins and Vices which provoke God to forsake a People. 'Tis true, that the great Deliverance in this Reign was wrought for our Fathers more than 500 Years ago; but 'tis no less true, that the same Deliverance, in the issue and consequences of it, reaches down to us also, their late and distant Posterity; with the farther addition of a Blessing which they had not the happiness to enjoy, *viz.* the Profession of the True Religion. For those our Fathers lived before the Days of the Reformation, and all they could in their time, and in their Circumstances, be concerned to struggle and contend for, was only the Maintenance of

their Temporal Rights and Liberties. They and the *French* had the same Religion and Worship. So that, upon supposition of their having been given up into the hands of the Latter, they would in that respect have been in no worse condition than they were before. But then, upon the same supposition, what must have become of us their Children? 'Tis plain that all the Inheritance they could have left us, must have been *Popery*, and *Wooden Shoes*, the wretched Lot and Portion of our *Neighbour-Normans* in their present State under the *French*.

To return to King *John*, whom we have left in the Islands, he could not but be much pleased with a People that had behaved so well, and accordingly was very liberal of his favours to them (29). He visited the Islands with great care, viewed those weaker Places which had let in the *French*, and caused the same to be fortified. He appointed proper Officers, under the Name of *Wardens*, or *Keepers*, to have a watchful eye over the Ports and Harbours (*), so that none suspected to come with an hostile intention might be suffered to land. And having provided for the Military Defence, he next took into consideration the Civil State of the Islands. He set us free from all Foreign Dependances, and settled us upon our own Bottom. Matters that in the last resort used to be carried to the Duke's *Eschiquier* (†), in *Normandy*, he drew to himself and his Council in *England*. All others he left to be determined within our ownelves, by a *Royal Court* which he instituted in each of the two Principal Islands, *JERSEY*, and *Guernezey* (‡), He gave us a Body of *Constitutions*, which have been the Foundation of all our Franchises and Immunities to this

(*) *Statutum est pro tuitione & salvatione Insularum & Castrorum, & maxime quia Insulae propè sunt & juxta potestatem Regis Franciæ, & aliorum inimicorum nostorum (these were the Bretons) quod omnes Portus Insularum bene custodiantur; & Custodes Portuum Dominus Rex constituere præcepit, ne damna sibi & suis eveniant, Constit. Johannis Regis. Artic. xviii.*

(†) *This was the Supreme Court of Normandy, wherein the Duke sate in person, with the Prelates, Barons, &c. At first ambulatory, but afterwards made sedentary at Roüen, Lewis XII, King of France converted it into a Parliament, an. 1499. Vid. Terrien. Liv. xv. p. 635.*

(‡) *Under Guernezey are comprised the two lesser Islands of Sark & Alderney.*

Day, and may not improperly be called our *Magna Charta*, like that of *England*, and prior in Time to it. See those *Constitutions* in the *Appendix*, *Numb. I.* I do not suppose that all these things were done at once, and at the King's first going to the Islands. The framing of the *Constitutions*, and adapting them to our Laws, to which he would not derogate, required some deliberation. But I find him again in *JERSEY* (*), in the fifteenth Year of his Reign, *i. e.* Three Years only before his Death; which I take for a further Proof of his Care of us, continued to the last, and from which even the Troubles he was then under by the Rebellion of his Barons could not divert him.

Here when I reflect on the great Obligations we have to this King, and how well he deserved of us, it grieves me that I cannot allow myself to speak of him, consistently with Truth, in terms which might testify our Gratitude, and do honour to his Memory. But his Faults in Government, and Vices in private Life, were so flagrant and notorious, that they can in no wise be excused or palliated. Unhappy Prince! So stained with Guilt, and sunk in Fame, that even They to whom he was the greatest Benefactor, must be ashamed to open their Mouths in his Commendation. All that can truly be said of him, is, That he was the Instrument of Providence for our good.

I observed before that while *Normandy* and these Islands went together, some Gentlemen had possessions in both. This now was grown impracticable, each of the two angry Kings threatening to seize the Lands of those who did not instantly withdraw from under the Obedience of his Enemy, and join themselves to him. And as it was very natural, so the practice generally ran for Gentlemen to stick to that side where they had most to lose. Thus in *JERSEY* Proclamation being made for the *Seigneurs de Paisnel, d'Orville, Pinel, Commendes, d'Auneville, du Fourmet, d'Orglandres*, &c. to repair to the Island under pain of Confiscation and Rebellion, and the main bulk of their Estates lying in *Nor-*

(*) *Rex—cum privatâ familiâ naves ascendit, & post triduum apud GERSEÆ Insulam applicuit.* Matt. Paris. Hist. mag. ad an. 1213. pag. 201.

mandy, 'tis no Wonder if seeing they must be Losers somewhere, they choose to be so where their Effects were less considerable. On the other hand, the *Seigneur de St. Oûen*, of the Name and Family of *Carteret*, postponing all views of Interest to those of Duty and Honour, and remaining unmoveably fixed in his Allegiance to *England*, had his Lordships of *Carteret* (*), *Angeville*, and *diverse others* (†), which he held in *Normandy*, and were his ancient Patrimony, taken from him, and made Forfeitures, whereby none lost and suffered so much as he; those Lordships and Lands in *Normandy* much exceeding in value his *JERSEY* Estate. Of the Merit and signal Services of this Family to the Crown of *England*, in maintaining its Rights, and asserting its Interest in these Islands, under all Turns and Changes, some of them discouraging enough, the following Sheets will afford further instances (30).

I have enlarged on this Reign greatly beyond the former; it having been of all others the most Trying and Critical Reign with us. It was That which rent and severed us from *Normandy*, our Mother-Country, once a Land of Brethren and Friends, but now of Enemies; for such to us the *Normans* became by their Coalition with the *French*; and the more dangerous Enemies for their being so near us, and as it were at our doors, (31). Therefore when hereafter I speak of the *French*, and of their Hostilities against these Islands, I would be understood to include the *Normans* with them, as no less adverse to us than they, since our Separation from Them. But, to make us amends, in this Reign also it was, that we had the honour to be taken into a nearer Relation to *England* than before, something like an Adoption, the more grateful to us as it made no material alteration in our Constitution. From being mere *English Subjects*, we then came to be reputed *Englishmen* (‡);

(*) From this the Family takes its Name. It is a small Town on the Sea-coast of the Lower Normandy, betwixt Cherbourg and Coutance, North East of *JERSEY*. I find it placed very right in Mr. Senex's Map of France.

(†) — Et plusieurs autres. Chronique MSS. de l'Isle de *JERSEY*, Ch. iv.

(‡) The French themselves learnt to call these Islands Les Isles Angloises, i. e. the English Islands.

and we are proud of the Name, yet reckon it a happiness to be suffered to live under our own Laws, and enjoy our ancient Usages, tho' it must necessarily keep up a sort of Distinction betwixt the *strictly English* and us. Some Writers (*) not well acquainted with our affairs, have so made us One with *England* as to lay us within a particular County, *viz: Hampshire*. But this is a great mistake. *Hampshire* indeed is one of the nearest counties to us (†) whose Ports we mostly frequent for Commerce (32.) On any other account, we have as little to do with it as with *Northumberland*, the remotest from us. In short, these Islands are properly A PECULIAR OF THE CROWN OF ENGLAND; and as in *England* the Legislature is the Sovereign with his Two Houses of Parliament, so here 'tis the same Sovereign with his most honourable Privy Council.

By this time I suppose the Reader is pretty well informed of what we have gone through, to come at our present Settlement. It remains to speak of the vain Attempts made by the *French* in the succeeding Reigns to break in upon us, which will not require so long a deduction as the preceding Transactions.

HENRY III, Son of King *John*, lost his Father being himself but Ten Years old, which proved happy for him and the Kingdom, contrary to the more usual fate of Minorities. The Quarrel betwixt *John* and his Barons had risen to such a height, that they had set up *Lewis* Son of *Philip Augustus*, against him. At their invitation the Prince came over, and a cruel War ensued in the Bowels of the Kingdom. But the King dying, the same Barons, in pity to the Youth and Innocence of his Children, returned to their Duty, and fell off from *Lewis*; who not willing to let go his hold, sent for a reinforcement from *France*. Those Troops were met at Sea, and defeated; which obliged *Lewis* to drop his pretensions, and retire. The chief Commander of the Fleet

(*) Hollingshead in his *Description of Britain*, p. 32. followed by others.

(†) Portland in Dorsetshire is the nearest part of the Continent of England to us.

which did that good service, was *Philip de Aubigny* (*), Lord, (for such then was the Title) *i. e.* Governor of these Islands; and the Fleet consisted of the Shipping of the *Cinque-Ports*, with such additional strenght as the Islands could bring. I confess I have no direct Authority for the last Particular, but it must be for That, or for some other Action of no less Merit with him, that *Henry* some Years after, under an apprehension of danger to the Islands, issued forth his Royal Mandate to the Barons of the *Cinque-Ports*, to go to their assistance upon the first notice from the Governor; adding for a reason of such his Care of them, *That they had deserved well of him, and he owed them both Commendation and thanks* (†). The same regard he retained for them so long as he lived. For albeit the Troubles he met with in the After-Course of his Reign drew him into a dishonourable Treaty with *France*, by which he yielded up *Normandy* (‡) to that Crown upon very unequal Considerations, he never would, nor did, make Cession of these Islands. The *French* on the other side, tho' the said Treaty was wholly in their favour and to their advantage, could not yet rest satisfied with it. Still they were uneasy to see these Islands in *English* hands. Wherefore in the very next Reign, which was that of

EDWARD I, they made a fresh assault upon them, in which they succeeded no better than in the former. The People stood stoutly on their defence, and drove back those Invaders. There is still to be seen remaining upon Record (§) (33), the Provision that was made, by order from the King, for the Widows and Orphans of such of the Inha-

(*) *Matt. Paris. Hist. ad ann. 1217. Edit. Wats. p. 250. Daniel's Life of Hen. III. in Compl. Hist. p. 171. Another great Commander in this Fleet was Hubert de Burgh Governor of Dover-Castle.*

(†) *Mandatum est Bāronibus de Quinque-Portibus, quod si opus habuerit (Ricardus Grey Custos Insularum) & illud eis scire, fecerit, in ejus auxilium veniant; ita quod Dominus Rex eos (viz Insulanos) merito debet commendare, cum gratiarum actione. Teste Rege apud Westm, 16 die Maii. An. Regni x.*

(‡) *That is to say, his Right and Claim to Normandy, for the French were already in possession.*

(§) *Brevia facta de petitionibus hominum GERES, & Gernes. retornatis in Consilio in autumno An. regni Regis Ed. XXIII. Vid Rylēy's Placita Parliamentaria in Appendice, p. 469.*

bitants as were slain in the Conflict they had with the Enemy ; with Gratifications to others that had signalized themselves, or sustained any considerable Loss, on that occasion ; which gratifications were extended to some of the Clergy (*) (34), who in these Islands have always been examples to the rest of Zeal and Affection to the *English* Government.

EDWARD II, was so nearly allied to *France*, by his marrying *Isabel*, daughter of one, and sister of three of their Kings, that in his time there was Peace betwixt the two Crowns, and we also ceased to be molested from that Quarter. But we could hardly have suffered more from a *French* Invasion, than we did from the unhappy Administration of Affairs in this Reign. The Commotions in *England* occasioned by it are well known. Our particular Grievance was, an open violation of all our most valuable Rights, by the Judges of Assize coming to the Islands, and bringing innumerable vexations upon the Inhabitants, Not only Publick Privileges, and Publick Grants, but Private Inheritances and Properties were called in question. No Man was secure of ought he possessed. There was no end of plying us with *Quo Warrantos*. And as if it had not been enough to be thus persecuted at home, the poor People for further trouble were remitted to a long and chargeable attendance on the Courts at *Westminster*, directly contrary to our Fundamental Constitution, which exempted us from the Power and Jurisdiction of those Courts.(35) The consequence of such Usage must have been the depopulating of the Islands, and thereby laying them open to the *French*. But after some Years suffering, and under a better Reign, *viz.* that of *Edward III*, upon a Petition of the two

(*) *Edwardus, &c. dilecto & fideli suo Henrico de Cobham Custodi Insular, de Gerneseye & Gersey, & ejus Locum tenenti, Salutem. Quia accepimus quod Ecclesia S. Elerii in Insula de Gersey vacat ad presens per mortem Nicholai de Ponte, quondam persone ejusdem Ecclesie, & nos Ranulphum filium Petri Maret clericum, quia gravia & diversa dampna sustinuit, per conflictum nuper habitum in predicta Insula, inter homines ejusdem Insule & quosdam alienigenas inimicos nostros, graciosè prosequi volentes, vobis mandamus quod eidem Ranulpho Ecclesiam—præ aliis—conferatis. T. meipso. ap. Westm. 29. die Ang. An. Regni nostri XXIII. Vid. Ryley ut sup.*

chief Islands, still to be seen in the Treasury at *Westminster* (*), that horrid Justice was superseded, and we were restored to our former Freedom and Independence.

EDWARD III's pursuit of his Claim to the Crown of *France* by Arms, brought our old Enemies again upon us, who gave us several unwelcome Visits during that famous Controversy. *Philip de Valois*, to whom the States of that Kingdom had adjudged the Succession, preventing his Competitor, had prepared and equipt a powerful Navy (†), which he now sent under three Admirals, *Hugh Queriel*, *Babuchet*, and another, to cruise in the Channel, and (if possible) keep *Edward* at home upon the defensive, instead of his aiming at Conquests abroad. Then was the Coast of *England* grievously spoiled and annoyed by the Enemy, the rich trading Town of *Southampton* sackt and plundered by them, and these Islands more furiously set upon than ever they had been before. Inſomuch that *Guernezey* fell into their hands, the strong Castle of *Cornet* (till that time thought impregnable) not excepted. They fared not so well in *JERSEY*, being repulsed before *Mont-Orgueil*-Castle (‡), yet did a great deal of damage to the open country. In one of the Attacks upon the Castle, the brave Governor, *Drouet* (or *Drogo*) de *Barentin* (§), *Seigneur de Rosel*, was killed (||); but his place was supplied by

(*) Mich 6. E. 3.

(†) *Chronique de Froissart*. Vol. I. Ch. xxxvi & xxxviii.

(‡) So called here by anticipation. The name it went then by was *Le Chateau de Goray*. See hereafter in *Henry V*.

(§) Once a prime Family in *JERSEY*, but now quite extinct (36).

(||) A letter of King *Edward III*, to the *Bailly, Jurats, and Inhabitants of JERSEY*, commending their *Fidelily*, and acknowledging their *Services*. *Rymer's Fœd.* Tom. v. pag. 186.

The King to his well beloved and loyal subjects, the *Bailly, Jurats*, and to all others of our *Island of Geresey*, Greeting. It is not only a Report, but the effect of the deed preponderating over words which clearly proves the constancy of your loyalty towards us and the preservation of our rights, for we have always found you highly zealous in your attachment to us, for which you have suffered very great losses. On which account, as it is becoming our honour, we shall so take care, with the blessing of God, to look with that grateful respect on your own commonalty, and on all individuals belonging to the same, that you shall rejoice to have behaved so laudably towards us. Do then, acting with your accustomed loyalty, according to that

Renaud de Carteret, a Gentleman of equal Courage and Valour (*).

These Insults of the *French* alarmed the Parliament in *England*, and drew a Representation from it to the King, *To keep the Sea, and to purvey for the Navy, and to defend the Isles of JERSEY and Gernsey* (†), the good effect of which was seen soon after. For the very next Year, that Mighty Fleet, consisting of no less than a Hundred and twenty Capital Ships, besides two or three Hundred others of less burthen, and carrying Forty Thousand Men, *Normans, Bretons, Genoese, &c. toutes gens de fait et de mer*, as *Froissart* speaks (‡), i. e. *all resolute fellows and used to the Sea*, was so intirely broken and defeated by the *English*, that perhaps there never was a Naval Victory so complete as That. The Design of *Edward* was to land at *Sluys*, in order to join his Allies, the *Flemings, Brabantines*, and others, and with them to enter *France* on the side of *Picardy*. The *French* having intelligence of it, went and posted themselves before that Harbour to intercept him. And tho' they were much superior to the *English*, it did not deter *Edward* from attacking them, and forcing his way through them, with so terrible a Slaughter of the Men, that according to *Froissart* (who is very particular in describing the Fight) not one escaped being either killed or drowned (§).

This firm confidence which we have in you, for the defence of the said rights against our enemies, conduct yourselves so magnanimously, that in addition to the declaration of praise which you will be enabled to obtain wonderfully from thence, you may receive from us an abundant recompence. But concerning other matters which have a reference to our honour as well as to our advantage, we command you to give full confidence to our beloved, *Thomas De Cerfè*, Clerk (a) of our aforesaid Island.—Given at Westminster, the 20th day of May, An. 14th. Edward III.

By the King himself and Council.

(*) Ex. MSS.

(†) Sir Robert Cotton's Abridgment of the Records in the Tower, p. 29.

(‡) Chronique, Vol. I. Ch. li.

(§) *Et furent les Normans, & tous les autres François, desconfits, morts, & noyés; & oncques pied n'en eschappa, que tous ne fussent mis a mort*, Id ibid. It seems that *Froissart* should be a disinterested Writer, as he was neither an

(a) *Clericus* is a well known latin term for a Clergyman, but I should apprehend, since so much confidence was placed in *Thomas De Cerfè*, he must either have been the Greffier of the Royal Court of Jersey, or some other individual in a high official office.—ED.

no doubt is exaggerated. But the *French* Writers themselves own Ten Thousand killed, and the like number taken Prisoners (*), which is as much extenuated on their side. Thus was the Evil which that Fleet had done to *England*, and to these Islands, repaid with Usury.

All this while the *French* were Masters of *Guernezey*, and held it three whole Years. And tho' it was happy for *JERSEY* to have got rid of them, as was said above, it could not but be deeply concerned at the Misfortune and Calamity of its Sister-Island, without rescuing of which it very well understood its own Safety would always be precarious. For such is the Site and Nature of these Islands, that the same Fate must ever attend them, and the Loss of One (I speak of the two Principal) will necessarily sooner or later draw the Loss of all the rest after it. The Deliverance of *Guernezey* was too great an Enterprize for those of *JERSEY* to go upon, on their own Strength alone. But hearing of a Fleet ready to sail from *England* with Recruits for the King, and of Orders given to the Commanders *Reynold de Cobham* and *Jeffrey de Harcourt* to attempt in their way the recovery of the Captive Island, they raised a Contribution of six thousand four hundred *Marks* (†) for that Service, went out and joined the Fleet, and assisted in retaking both the Island and the Castle; many *JERSEY*-Men of note losing honourably their Lives on that occasion, as the *Sieurs de Vincheléz, de Matravers, des Augrez, de Garis, de la Hougue, Lempriere*, and other Leaders specially named, besides private Adventurers (‡).

The Victory before *Sluys* was but the Prelude to those many Great Actions which followed in the progress of this War, and gained so much Glory to *Edward*. For more *Englishman* nor a *Frenchman*, but of *Valenciennes* in *Hainault*. Nevertheless *Gaguin* accuses him of Partiality to the *English*, Com. Lib. viii, in Ph. Valesio.

(*) *Masseville Hist. Somm. Vol. III. Liv. ix. p. 163. Vid. Walsingham Ypod. p. 117. Polyd. Vergil. in Edw. III. p. 369.*

(†) If the *Mark* be here taken according to the then and present Standard in *England*, the Sum must seem exorbitant, considering the smallness of the Island, and the value of Money in those days. I set it down as it lies in the Memoir before me.

(‡) *Ex, MSS^{to}.*

than twenty Years together, History scarce speaks of ought else but of his Triumphs and amazing Successes. Those also were Times of rest and quiet to these Islands, the *French* being in no condition to give them any disturbance. In those happier days there was an Honour intended to us of *JERSEY*, which it may not be improper to mention. The King of *Navarre*, breathing Revenge for some pretended Injuries done to him by the *French*, desired to join Arms with *Edward*, and proposed *JERSEY* (*), as a commodious place for the two Kings to rendezvous at with their Forces, and thence to pass into *Normandy*, where the Former had a powerful Interest. To this *Edward* agreed, and put to Sea from the *Thames* with a Royal Navy, steering directly for *JERSEY*. But being forced back by contrary Winds into *Portsmouth*, and there understanding that the false and fickle *Navarrois* had reconciled himself to the *French*, (37), he went and landed at *Calais*. This Project of the two Kings to enter *Normandy* by the way of these Islands, though it came to nothing, seems to have kept up ever since in the Minds of the *French* a jealousy, lest they, viz. the said Islands, be one time or other made a Bridge for the *English* to visit them on the Continent.

Propositions and Overtures of Peace were often made, which brought on only now and then a short and ill-kept Truce. In one such, betwixt *Edward* and *Philip de Valois*, at the beginning of the War, I find these Islands comprehended by Name. It is there articulated, “That if any Place was then besieged by either of the two Kings, or their Confederates, in *Gascony*, *Aquitaine*, the Isles of *Gerneseye* or *GENESEYE*, the Siege should be raised upon notice of the Truce (†).” At last came on the famous Treaty of *Bretigny*, at a time when *Edward* was in his

(*) Sir Robert Cotton's Abridgment of Records, p. 90.

(†) *Ensy accorde est que si par ascune dez roys, par leurs gentz, oue leurs alliez, oue coadjuteurs, ascunes, (viz, seges) soient misez en Gascoine, en la duche Dacquitaine, oue en altres yles de mier, en Gerneseye & en GENESEYE, oue ailleurs les seges se leveront si tost comme les trewez vendront à leur conisance.* Henry de Knyghton, among the Decem Scriptorum published by Selden, &c. p. 2579.

greatest prosperity (*), who nevertheless consented to lay down his claim to the Crown of *France*, and to give up *Normandy*, as *Henry III.* had done before him. Let others reason about that Treaty as they please. I meddle with it no farther than these Islands were affected by it. As a sort of Equivalent to *Edward* for the Concessions he made, the full and absolute Sovereignty of *Guyenne, Poictou, Saintonge*, and of those other Southern Countries and Territories in *France*, for which Homage was due to that Crown, was yielded and granted to him. And forasmuch as there were some considerable Islands along that Southern Coast, as *Rhé, Oleron, &c.* about which Disputes might arise, *Edward* insisted on an express Declaration that they were included in that Grant. *Rex verò Angliæ, et hæredes sui, omnes Insulas patriis prædictis adjacentes, tenebunt* (†). i. e. “The King of *England*, and his Heirs, shall have “ and hold all the Islands adjoining to the said Countries.” Then follows *Uná cum INSULIS quas tenet in præsentí.* i. e. “Together with those Islands which he holds at present.” This Clause relates to the Islands of *JERSEY*,

(*). He then had John King of France his prisoner.

(†) Walsingham Hist. Angl. ad. an. 1360, seu. 34 Edw. III. pag. 160. This Author in giving an Extract of the Treaty has not distinguished it into Articles. In Rymer's Act. Publ. Tom. VI. p. 178, where the Treaty is at Length, the Article concerning the Islands is the VIth in Number. But Rapin has shortened and contracted it, so as to omit the Clause, which relates particularly to *JERSEY, Guernesey, &c.* For this is all he recites of that Article; Plus toutes les Isles adjacentes au País ci-dessus nommez i. e. Moreover, all the Isles adjoining to the Countries above-named. He seems to have taken what follows to import no more than what was said before, or to be only a redundancy of Words. Whereas nothing can be plainer, than that the article consists of two Parts, and speaks of two sorts of Islands. First of those the Sovereignty whereof was then for the first time made over to the King of England. Secondly, of those that were his already, yet would he have the Continuance of his Right to them declared, by reason they were originally parcel of a Country which he was now yielding up, so that without such a Declaration, they to whom the said Country was transferred might in after time lay claim to them. Dr. Brady, who likewise gives us the whole Treaty, and quotes the Record whence he had it, viz. Rut. de Tractat. Pacis Franc. 34 Edw. III. M. 10. he, I say, is more exact. For thus he translates the said Article from the French Original: Also 'tis agreed the King of England and his Heirs, shall have and hold all the Isles adjacent to the Lands, Countries, and Places before-named, together with all other Isles which he holds at present. Hist. of England, Vol. III. pag. 264. I have only to add, that it has always been said and understood, that in the Treaty of Bretigny, a Reservation was made of these Islands to England, and it must be found in this Clause, or no where.

Guernesey, and the rest, which *Edward* actually and quietly *then held* and possessed; and the same was added, lest, the *French* should pretend that they had acquired a Right to them by the Surrender of *Normandy*. Now I cannot but observe again a special Providence in this Reservation made in our favour. For while *Edward* was thus bartering away Crowns and Provinces, how small a matter was it for him to throw a few Islands into the Bargain? He who could so easily part with so fine a Country as *Normandy*, what could make him stick at giving up these Islands along with it? What, I say, but an invisible Power over-ruling his Counsels, and restraining him from doing That which would have determined our Ruin beyond all hopes of Remedy?

Although in the Execution of the Treaty, failures and non-performances of Articles were complained of on both sides, yet still the face and appearance of a Peace subsisted for about nine Years, when the War broke out again with the same fury, but not with the same success to *England* as before. *Edward* was now on the decline of his Life, enfeebled both in Body and Mind with the Labour and Fatigue of so long a Contention. His brave Son, the *Black Prince*, lay languishing under a Chronical Distemper, which carried him off when his Father and his Country most needed him. The Kingdom was exhausted, and full of Discontents. On the contrary, the *French* had greatly retrieved their Affairs, and had on the Throne a King in the Flower of his Age, of a cool Head (*), and great Wisdom, thence called *Charles le Sage*, i. e. *Charles the Wise*, who knowing his Advantages was indeed too wise not to lay hold of them and pursue them. In fine, what through his own well-concerted Measures, what thro' the Valour of his renowned *Constable*, or *General*, *Bertrand du Guesclin*, he so prevailed and became in a few Years superior to *Edward*, that the Latter had very little left him in *France*, not only of what he had won with his Sword,

(*) Philip de Valois who lost the Battle of Crecy, and John who lost that of Poitiers, were valiant Princes, but rash, and heady, which was the Cause of their Misfortunes. Charles was of another Character.

but also of what antecedently and of antient Right his Predecessors had enjoyed in that Kingdom.

Let us now see what Share these Islands had in that astonishing reverse of Fortune.

Not long after the Rupture, the *French* let us know that they had not forgot us. *Normandy* was now theirs again, but it would not content them unless we were theirs too. *Charles* had at his Court, and in his Service, one *Yvans* (*), of the Blood of the antient Kings of *Wales*, an irreconcilable Enemy to *Edward* and to all the *English*, on account of his Father having been put to Death for pretended Rebellion, and he himself bereaved of his Inheritance. Inflamed with a desire of Revenge, and being particularly versed in Sea-affairs, none was thought so fit as He to be employed in reducing these Islands. And so with a good Fleet, and four thousand Landmen given him for that Expedition, he sailed from *Harfleur* in *Normandy*, and finding *Guernesey* first in his way, he began with That. The Islanders received him with great Bravery at his Landing, but being over-powered, they were obliged to give back, leaving four Hundred of their Number dead upon the Shore. The Castle was next beseiged, and vigorously assaulted, but so well defended, that *Charles*, who did not imagine that the gaining of it would have proved so difficult a Work, recalled his Troops, and sent *Yvans* upon another Enterprize. The old Chronicle of *Flanders* (†) speaks of Hostilities against the same Island of *Guernesey*, by the Admirals of *France* and *Castille* (§) the Year before K. *Edward* died.

(*) Froissart Voi. I. Ch. cccv et cccvi. Hist. de Bertrand de Guesclin, Connétable de France, &c. par du Chastelet. Liv. v. §. 12 Hollingshead ad an. 1372. pag. 407.

(†) Chronique de Flandres, publiée par De Fontenailles, à Lyon 1562.

(‡) *Peter*, Sirnamed the *Cruel*, King of *Castile*, had been ejected out of his Kingdom for tyrannical Government, and *Henry* his Bastard-Brother placed on the Throne. The too generous *Black Prince*, with an *English* Army, restored the Tyrant, who soon after lost his Kingdom again together with his Life. *Henry* offended at the Protection given to his Competitor by the *Prince* became an Enemy to *England*, and sided with *France* which had assisted him. It was that fatal Expedition into *Castile* that occasioned the Rupture of the Peace of *Bretigny*, and consequently all the Calamities ensuing thereupon. This Note is added to take off the seeming strangeness of a *Castilian* Fleet coming against these Islands.

But these came only as Pyrates and Robbers, for the sake of Plunder. We must not expect that JERSEY should be without having its turn to suffer. And indeed the most terrible Storm of all fell upon it. For the *Constable* of *France* himself, mentioned above, not thinking it a Disparagement to his other Conquests to add this Island to them, resolved to make it feel the weight of his Arms. He had observed, says the Author of his Life (*), *that the Situation of JERSEY and Guernesey very much favoured the Descents of the English into Bretagne*, where the War had spread, and raged as hot as in *France*, and where he himself then was, warring against the *English*; for that *by laying up their Stores and Provisions in those Islands so near at hand, they were easily and readily supplied from thence when they wanted.* *D'Argentré* in like manner tells us, that *Du Guesclin* eyed these Islands as *la retraite seure des Anglois* (†), i. e. the sure retreat of the *English*. Finding it therefore necessary to deprive them of that retreat, he came suddenly to JERSEY, at the head of an Army of ten thousand Men, wherein were the Duke of *Bourbon* and the Flower of the *French Chivalry*, and encamped before *Mont-Orgueil-Castle*. It does not appear that the Inhabitants offered to dispute his Entrance into the Island, which probably would have been in vain. They put all their hopes under God in the Strength of the Castle, and in the Courage of those brave Men who were in it to defend it. Nothing was omitted on the part of the Assailants that could be done, after the manner of carrying on a Siege in those days. Some of the Out-walls were thrown down by Sap, which did not affect the main Body of the Place. At last it came to a Composition, That they within should surrender, if not succour'd before *Michælmass-day* next ensuing; and the *Constable* should break up his Camp, and depart. Such Compositions were then pretty frequent, and continued so to be *as long as there*

(*) Liv. vi. §. 6. p. 242, 243.

(†) Hist. de Bretagne. Liv. vii. Ch. xv. fol. 426 verso.

was any good Faith left among Men, to speak in the Words of *Mezeray* (*); and they seem to have been introduced for saving the Honour of both Parties, when alike tired and wearied with a Siege. The *Constable* being returned into *Bretagne*, soon after heard that an *English* Fleet had appeared at Sea, coming to relieve the Castle (†); And thus ended that Affair, and the Castle remained untaken. This, I think, was the only Place belonging to *England*, which, when all others that he attack'd fell before him, baffled the Arms of that great and fortunate Warrior.

RICHARD II. Son of the *Black Prince*, had his Grandfather's Crown and Wars devolved upon him together and at once; a burthen to which a Child who was but eleven Years old must needs be very unequal. *Edward* justly dreading the consequences of a Minority in such a Conjunction, would have renewed the Peace of *Bretigny*, and receded from many of his Pretensions. But the *French*, elated with their good fortune, stood aloof, and would only consent to a short Suspension of Hostilities, which was already expired, when *Richard* began his unhappy Reign. Unhappy indeed, not only to the Kingdom, but moreover to himself. Under it nevertheless all was quiet in these Islands, and the *French* never went about to give us any trouble. Of which unusual forbearance towards us the reason must be, as I conceive, That having formed a Design to retaliate upon *England* the Evil it had done them in *Edward's* Days (‡), and relying with great assurance on the vast and almost incredible Preparations they had made for an Invasion and

(*) Cette sorte de Composition se pratiqua tant qu'il y eut quelque peu de bonne foy. Elle portait toujours surseance d'Armes, durant laquelle les Assiegeants ayant pris des Ostages des Assiegés levoient leur Camp, & leur laissaient toute sorte de Liberté, hormis de recevoir des gents de guerre dans leur place, et de la munir, ou de la fortifier. Abregé, au Regne de Charles V. ad. an. 1372.

(†) Hist. de Bertr. du Guesclin. Liv. VI. §. 6. pag. 244.

(‡) S'jouissaient Chevaliers & Escuyers, quand ils partoyent de leurs Maisons pour aller avec le Roy de France en Angleterre; & disoyent, or irons nous sur les maudits Anglois, qui ont fait tant de maux & de persecutions en France. A ce coup en aurons nous Vengeance de noz peres, de noz freres, & de noz amis, qu'ils nous ont mis a mort et deconfits. Froissart, Vol. III. Ch. xli.

Conquest of that Kingdom (*), trusting withal to reap no small advantage from the Factions and Divisions within it ; it would have been absurd for them, and perfectly needless (whilst they were so confident of carrying their Point) to turn their Arms this way, since they very well knew that the Fate of the said Kingdom would determine ours, and that the gaining of it must of course throw us into their Hands. And when that Design was laid aside, and the two Crowns did agree upon a truce of eight and twenty Years, which was strengthened by the Marriage of *Richard* with *Isabel*, the *French King's* Daughter, their hands were then likewise tied by that Convention from acting against us: This Interval of calm and Tranquillity in these Islands, whilst *Richard* reigned, came very seasonably to relieve us, and give us time to breathe after our former Sufferings.

HENRY IV. not contented to have dethroned his Cousin *Richard*, was prompted by his Guilty Fears to take away that poor Prince's Life also, which inhuman act made him deservedly odious both at home and abroad. At home, he was perpetually haunted with Plots and Rebellions. From abroad, he was defied and insulted (†), Being obliged for his security to keep a Power at Sea, there followed a bloody Engagement betwixt it and a Fleet under the Admiral of *Bretagne*, wherein the *English* were worsted, lost forty Ships, and had above two thousand Men Killed or taken Prisoners. When by that Victory the Enemy had cleared the Sea of the *English*, they fell upon these Islands ; and though for want of being provided with things necessary for a Siege, they could do nothing against the Castles, they wrought all the Mischief and Damage they were able to the Inhabitants (‡). And this is all I find in this Reign that particularly concerns us:

(*) Id. Vol. III. Ch. xxxv. & xxxvi. Gaguin. Lib. ix, in Carolo V. Mezeray Abregé ad an. 1386.

(†) The Duke of Orleans, who married the Queen-Relict, challenged him in very reproachful terms ; and the Count De St. Paul, who had married *Richard's* Sister, treated him no better. Ch. de Monstrelet, Vol I, Ch. ix. & x.

(‡) D'Argentré, Liv. x. Ch. v.

HENRY V. was no sooner on the Throne but he laid Claim anew to the Crown of *France*, which Claim, though not expressly dropt, yet had lain dormant during the two last Reigns. The War began in *Normandy*, which *Henry* had mainly set his Heart upon, both as it was very desirable for its own sake, and as it would open a way for him to penetrate further into *France*. In reducing that part of the *Coûtantin* near us, wherein are the Cities of *Coûtance* and *Avranches*, the Towns of *Granville* and *Pont-Orson*, and the strong Place of *Mont-Saint-Michel* (*), these Islands were of good Use and Service, as on other accounts, so particularly in being a safe Station, in those short and narrow Seas, for the *English* Shipping that attended upon the Army on Land. The Duke of *Clarence*, *Henry's* Brother, commanded that Army (†).

Now according to a received Tradition with us in *JERSEY*, it was at this time that *Mont-Orgueil-Castle*, so often mentioned already, obtained the Name it now bears, being before called *Gouray-Castle* (‡), from the Village of *Gouray* which lies hard by it. And the said Name of *Mont-Orgueil* does so exactly suit and tally with the lofty Situation and noble Appearance of the Castle, that he must have been well acquainted with it, and have taken a good Observation of it, who first gave it a Name of such Propriety and Significancy. For it stands on a high rocky Promontory, joined to the main Island by a low and narrow Isthmus, and proudly overlooks, (I had almost said) threatens the neighbouring Coast of *Normandy*. I took up too hastily (§) with the common Opinion, which makes the King himself the Author of that Name. Having found since that *Henry* came no farther this way, nor nearer to us, than *Caen*, I rather now

(*) This last was not taken, as all the others were. It is a stupendous Structure, which I have beheld with Admiration. But there is no room here for a description of it.

(†) Chron. de Norm. Ch. lviii. Masseville Hist. Somm. Part IV. Liv. xi pag. 65.

(‡) Or *Goré*. The late *Sr. de Samarez* observes that he had read in some ancient Writings *Castellum Gurret*.

(§) In the former Edition.

incline to ascribe the same to the Duke of *Clarence*, who, as was said before, commanded in these Parts. Whilst that Prince lay about *Coutance*, in full sight of *JERSEY*, 'tis scarce conceivable but that either Curiosity would move him, or the very Service he was upon would oblige him, to make a trip hither; which, both in his coming and return, needed not take up above eight and forty hours at most. And being here, and seeing a Castle that made so stately a Figure, and had of late gained a great reputation by the repulse it had given to the Constable of *France*, it was very natural for him to think it deserved a more *Honourable Name* than That which it borrowed from a mean though antient Village. After that, when the same Prince came to make a report of his Expedition to the King his Brother, he could not fail acquainting him with what he had observed concerning this Castle; nor could the King thereupon do less than order it to be well looked to, and to have all that further done to it which might add to its Security and Ornament (*). *D'Argentré* takes notice of the *English* being so very jealous of this Castle, that no *Frenchman* was suffered to come within the Gate, without being first blind-folded (†). Notwithstanding all this Caution, and the intrinsick Strength of the Place, a way was made for the *French*, to get into it, and seize upon it, in the latter end of the weak Reign of

HENRY VI. which happened in this manner. During the Contest betwixt that unfortunate Prince and *Edward IV.* for the Crown, Queen *Margaret*, Wife of *Henry*, went into *France* to crave Succour of *Lewis XI.* who then reigned. She herself was a *French* Woman, daughter of the Duke of *Anjou*, and nearly related to *Lewis*. But that wary and politick King would not be seen openly to concern himself in her Affairs, for fear of renewing the War with *England*, which his father *Charles VII.* had not long before terminated by the total Expulsion of the *English*

(*) Ad Orientale latus quæ *Constantiam* Urbem ex adverso prospectat, præruptæ rupi Castrum affigitur munitissimum, elato nomine *Mont Orgueil*, quod urimum, *Henrico V.* instauratori debet. *Cambden de Insul. Britan.* p. 854.

(†) *Hist. de Bretagne*, Liv. vii. Ch. xv. fol. 427.

out of *France* (*). However underhand he connived at her transacting with a great Lord of *Normandy* (†), named *Peter de Brezé, Count de Maulevrier* (§), to this Effect; That in consideration of the Aid and Assistance he should bring to King *Henry* her Husband, these Islands should be made over to him and his Heirs for ever, to hold them independently from the Crown of *England*. Being one who had eminently distinguished himself in the War against the *English*, and acquired a great Name among the Soldiery, he soon got together a Body of two thousand Veterans, whom he took with him into *England*, and there did as much Service as could be done in support of a declining and sinking Cause (§). In the mean time, to make sure of his Reward (vastly exceeding and disproportionate to any service he could do) he sent one *Surdeval*, a *Norman* Gentleman likewise, with a competent Force, to take possession of *Mont-Orgueil-Castle*; which the *English* Commander, who was of the *Lancastrian Faction*, and a Creature of the Queen, had secret Orders to deliver up (38). It was contrived amongst them that the *French* should come in the Night, and the Commander be taken in his bed, to the end the thing might pass in the World for a Surprize (from which the strongest Places have not always been exempted) rather than a premeditated and concerned Treachery. The Count having done with *England*, came in person to *JERSEY*, and began to exert his Authority there; styling himself in all public Acts set forth in his name, “*Peter de Brezé, Count de Maulevrier, &c., Lord of the Islands of JERSEY, Guernesey, Alderney, and the others adjoining, Counselor and Chamberlain of our Sovereign Lord the King of France* (||) (39);” Whereby, as he proclaimed his own

(*). *How much Lewis dreaded their return, and how artfully he sent back Edward IV. without doing any thing, when the latter was actually passed over with a good Army to pursue the old Quarrel, may be seen at large in the Memoirs of his celebrated Historian Philip de Commines, Liv. iv. Ch. v. &c.*

(†) Grand Senéchal de Normandie.

(‡) *Et de la Varenne. Masseville Part. IV. anx Remarques. pag. 412.*

(§) *Chron. de Monstrelet. Vol. III, fol. 95. Verso. Masseville, Part. IV. Liv. xiv. p. 257.*

(||) *Chronique MSS. de L'Isle de Jersey. Ch. v*

Dependance on the said King of *France*, so he plainly gave the Inhabitants to understand, that they likewise must thenceforth look upon themselves as Servants and Subjects to the same Master. At this they were enraged. To be thus betrayed and sold to the *French*, seemed more intoltable to them than to have been conquered with the Sword. The Count did all he could to sooth their discontents, but in vain. All his Promises of gentle Usage, and of a gracious Government, if they would own him, and transfer their Allegiance to *France*, made no impression upon them. So that in about six Years time, he could not bring under his Obedience above half, *i. e.* six Parishes, of the Island; the other half, headed and influenced by *Philip de Carteret*, *Seigneur de St.-Oûen*, standing out in Defiance of him. The Island is extended in Length from East to West, and had then at each extremity a Castle, *Mont-Orgueil* on the East, and *Grosnez* (*) on the West. This last *Philip de Carteret* took care to secure, as a Place of Defence and Safety for himself and those who with him adhered to *England*, whilst *Mont-Orgueil* was held by the Count with his *Frenchmen* and *Normans*, and betwixt these two Parties there happened (Battles I cannot say, but) frequent Rencounters and Skirmishes, Even those six Parishes which obeyed the Count, were not better affected to him than the rest: but lying nearest to *Mont-Orgueil-Castle*, they were forced to submit, for fear of Military Executions. In this state things remained until the quiet Possession of the Throne by

EDWARD IV. For then Sir *Richard Harliston*, Vice-admiral of *England*, coming to *Guernesey* with a Squadron of the King's Ships, *Philip de Carteret* let him know what a hard Struggle he had to keep the Island from being quite over-run by the *French*. The Admiral thereupon, leaving his Ships in *Guernesey-Road*, hastened privately to him at his Mannor of *St. Oûen* in *JERSEY*; and there they two entered into a Consultation about the properest Means to

(*) Of this very ancient Castle nothing remains but the Foundations of some of the walls.

recover the Castle. The result was, to go about it instantly, before the *French* knew of an *English* Fleet so near them. Now they lay confident and secure, but if alarmed with the Apprehension of a Siege, they would provide against it, compel the Country to store and victual them, and give notice to their Friends in *Normandy* of the Danger threatening them. To think of carrying the Castle by Force, would be Rashness and Folly. What only could be done with any probability of Success, was, by a close Blockade, to reduce those within to such Straits and Necessities, as should make them even glad to be suffered to depart with their Lives; and for effecting this, the utmost Speed and Secrecy were requisite. Accordingly never was a Design of this Nature more prudently and happily conducted. The Word being given by *Philip de Carteret*, went in a moment through the Island, passing from hand to hand, and in the Beginning of the appointed Night the People took to their Arms, and marched in great Silence to invest the Castle. At the same time the Fleet weighed anchor, and sailed from *Guernezey*: so that in the Morning the *French*, to their great Surprize and Amazement, saw themselves surrounded and shut in both by Sea and Land. Albeit it had not been judged proper to make any forcible Attack upon the Castle, yet there was a good deal of Action, and it cost the Lives of diverse of the Inhabitants in defending their Lines, and repelling the Sallies of the Besieged; and the *Seigneur de Rosel* is particularly numbered among the Slain on one of those Occasions.

All the while the *French* were contriving how to get Aid from *Normandy*, which they knew would not fail them, so they could but find means to make their Condition known there. At length they imagined that possibly a Boat might pass undiscovered through the Fleet, under favour of the Night; and it being the last and only Shift left them, they resolved to put it to the trial. Though they needed but one Boat, they caused two to be built; one openly upon the Rampart, in View of the Besiegers; the other near the former, but hid, and out of Sight. The Workmen were

ordered so to time their Blows and strike evenly together upon the two Boats, that from the Camp without no Sound might be heard but what would be supposed to come from the Boat on the Rampart. By this Device, that which lay out of Sight was finished, while the Workmen were still seen busy about the other. Our People were not ignorant what use the Boat was intended for, but having no Suspicion of any other besides that which they had in View, the pretty Wile might have succeeded, if an Islander (whom the *French* had constrained against his Will to take Pay with them) had not shot an Arrow with a Letter tied to it into the *Leaguer* which laid open the Stratagem ; advising withal, that the next Night the finished Boat would be let down the Walls and sent to Sea. Of this, information was immediately given to the Fleet, which kept a strict Watch, and the Boat was intercepted. And so the *French* seeing all hopes of Relief cut off from them, and themselves brought into the extremest Distress and Want of all Things, beat a Parley and surrendered. Which good News, when signified to the Country by setting up again the Standard of *England* upon the Castle, it diffused such an Universal Joy among the People as is not to be expressed.

The Islanders gained much Honour by this Siege, and had thereupon a New Charter granted them, with special Acknowledgment of their good Service, and the same has ever since been inserted and repeated in all our Charters to this Day, *in perpetuam rei memoriam* (40). Sir *Richard Harliston* was recompensed with the Government of the Island. But what Reward was conferred on *Philip de Carteret*, who had been the very Life and Soul of the Undertaking (41), I cannot find. However, he could not miss That which always attends the doing of brave and worthy Actions. I mean, the public Esteem, and the inward Satisfaction of having faithfully and honourably acquitted himself to his King and to his Country, following therein the Example of his Ancestors. It has escaped me to observe in its proper Place, that the *Count*, our pretended *Lord*, had left the Island before the Siege, and was not long after killed at

Montlebery, fighting for his Master *Lewis XI*, against the Count *de Charolois*, afterwards Duke of *Burgundy* (*).

It was ever best with us when the *French* had other more important Work to employ their Hands, and 'tis to their aspiring after greater Conquest that we owe those quieter Times which we are now entering upon; Times that take up the whole Space betwixt our two *Edwards IV.* and *VI.* So that nothing of moment, concerning the *French*, and us of these Islands, occurring under the Intermediate Reigns, I might very well pass those Reigns over, were it not that the Method in which I have begun requires to have the Line and Succession of our Kings continued unbroken.

France being delivered from the *English*, the Crown reinstated in the Possession of the Alienated Provinces, the Royal Power advanced to a greater height than before (†), those Prosperities put *Charles VIII.* and his Successors upon enlarging their Views of Empire. The Kingdom, though so much increased by the Losses of *England*, and by other Accessions, was now too little for them. They must pass the *Alps*, and extend their Dominion into *Italy*, by the Conquests of *Naples* and *Milan*. No wonder if being engaged in such an Enterprize, and pursuing it obstinately by a War of more than forty Years, attended with a great Variety of Events, no wonder, I say, if their Thoughts were taken off from these Islands, and they left us at rest, whilst they carried Fire and Sword into other Parts of the World. Coincident with that long War were the following Reigns of

EDWARD V, an innocent young Prince, soon made away by his unnatural Uncle

RICHARD III, whose wicked Usurpation can only entertain us with ghastly Spectacles of Tyranny, Cruelty, and Murther; from which turning away

(*) Chron. de Monstrelet. Vol. III. fol. 116. Memoires de Commines Liv. I. Ch. iii.

(†) *Lewis XI.* Father of *Charles VIII.* laid the Foundation of that more absolute and despotick Sway, which has ever since been exercised by the Kings of France. Historians express it by saying, qu'il avoit mis les Rois hors de page. Mezeray Abr. au regne de Louis XI.

HENRY VII offers himself next to us, a better Man, and a special Favourer of these Islands. Whilst he was only Earl of *Richmond*, and fled from his Enemies of the House of *York*, who sought his Life, whether designedly, or driven by contrary Winds, he landed in JERSEY, and here lay concealed till he got a Passage into *Bretagne*. Being a wise Prince, he observed some Defects in the Government and public Administration amongst us, which he took care to amend when he came to the Crown. And as King *John* had given us *Constitutions*, so he gave us *Ordinances*, in xxxiii. Articles, to be Laws to us, as they are to this Day, except where Time or subsequent Regulations from the Council-Board have introduced some change into them. I say no more of them here, because they will be mentioned again hereafter. The last Reign which coincides with the *French War*, in *Italy*, is that of

HENRY VIII. a Reign remarkably checquered with Good and Evil, of both which we had our share in common with the rest of our fellow Subjects. Our *JERSEY-Chronicler* has preserved the Memory of some Things under this Reign, fit enough to be remembered among ourselves but of too private a nature to fall properly within the Plan of this History. They mostly relate to the haughty and arbitrary Conduct of some of our Governors, who set up for petty Tyrants, not only injuring particular Persons, but insulting the Magistracy, and obstructing the public Proceedings of Justice (42). Such an one, and most notorious, was Sir *Hugh Vaughan*, screened and upheld by Cardinal *Wolsey*, then High Chancellor and prime Minister of *England*, to whom by large Bribes (*) he had found means to recommend himself. So great a Patronage did not however deter *Helier de Carteret*, *Seigneur de Handois*, and Bailif of the Island, from carrying the complaints of the Country with his own up to Court, and there in the very Face of the Cardinal, calling so loud for Justice, that at last he obtained

(*) At one time, a Bark of sixty Tuns laden with the choicest Gascoigne Wines, and Bales of Linnen Cloth of the Manufacture of Normandy, with Plate &c. all together to a great Value. Chron. MSS. de JERSEY. Ch. xix.

it, and the insolent Governor was removed. This *Helier de Carteret*, for Love to his Country, Fortitude, and other laudable Accomplishments, shines very bright in our Annals. He was Brother to the *Seigneur de St. Oûen*, and so of a House fruitful in Patriots. But I forbear entering farther into these Matters, as being beside my Purpose ; although perhaps it was not amiss to shew (at least in one Instance) how that 'tis not only from Enemies without that we have met with Trouble, but sometimes also from those within whose Business and Duty it was to protect and defend us. Which I doubt not is often the Case of other Governments remote and at a Distance from the Sovereign.

To proceed in our Narration ; The *French*, after a long alternate course of Victories and Defeats, of Gains and Losses in *Italy*, were grown weary of the War, and had repassed the Mountains. And then they were at leisure again to think of us, and to renew their Efforts against us. Which they soon did on occasion of a Rupture betwixt their *Henry II.* and our

EDWARD VI. The first thing they went upon, was the seizing on the little Island of *Sark*, wherein they found no difficulty, it having been for some time uninhabited. And there they immediately set themselves to raise Forts, and make Settlements. This was a new Scheme which they had laid for subduing of us, *viz.* by continual Alarms and Incursions from that Island now in their Power, so to vex, harrass, and distress the others (in the middle and center of which it is seated, therefore very commodious for that purpose) that they, being quite tired out and spent with suffering, might at length for very quietness-sake be brought to Submission. And it must be owned, that could the *French* have kept their Footing there, they would have done us Mischief enough. But this fine Scheme, how confidently soever depended on by them, quickly vanished into Smoke, as will appear by the Sequel. Having thus secured the said Island, and left four hundred Men in it for a Guard, they went in the Night to *Guernezey*, to which they had but two Hours sailing, and set upon a Fleet of *English*

Ships lying at anchor in the Road before the Town. Many of the Captains and Officers happened to be ashore, asleep in their Beds, which gave the *French* some advantage in the Beginning of the Fight. But the whole town being awakened with the Noise of the Cannon, and help coming to the Ships, the Fight was maintained, and the Enemies repulsed. Hoping for better Success in *JERSEY*, they next bent their Course thither, and anchored in *Boulay-Bay*, in the North of the Island, where also they landed. The Landing-place is a hollow Bottom, encompass'd with high Cliffs and Hills, on which our People posting themselves, so galled and annoyed them who stood drawn up below, that they kept them from advancing farther into the Island; and then coming to a closer Engagement with them, drove them back to their Ships, killing many in the Pursuit. The Action was warm, consequently not without some Loss on our Side. The *Sr. de la Roque*, one of the Justices of the Royal Court, had an Arm cut off, of which he died a few days after (43). But what's most remarkable, is, That among the Slain was found a *Popish Priest* of this Island (*), whose Love to the *English* Government, and to the Liberties of his Cuntry; so prevailed above the Discontents which the Change of Religion in this Reign wrought on Men of his Order, that it set him on to appear that Day in the foremost Ranks. An example to be recommended to those of that Persuasion in *England*, who out of an unreasonable aversion to the *Present Establishment* (†), would bring in the *French*, and subject their native Land to a Foreign Power. This to the *French* proved one of the unhappiest Attempts they ever made on these Islands. At their going into *St. Malo* to refit, no fewer than threescore dead Bodies of *Gentlemen*, out of one single Ship, were brought ashore to be buried. In the whole, their loss was computed at a Thousand Men. And the King of *France* himself was so much

(*) *Chron. MSS. de JERSEY. Ch. xxv.*

(†) *Viz. of King William and Queen Mary on the Throne, not long after which this was written.*

out of Countenance at the Disappointment, that he forbade all speaking about it (*).

Q. MARY'S Reign has been thought inglorious for the loss of *Calais*, taken by the *French* after the *English* had possessed it above two hundred years. It was nevertheless in the time and under the auspices of this Queen, that the same Island of *Sark* spoken of above, was re-taken from the *French*; though indeed it cannot be said that the regaining of so small an Island countervails the Loss of a Town, which, on the side of *England*, was the Key of *France*. The *French* Colony in that Island was grown very thin, their broken Measures causing many of them to desert, and return into *France*, so that few able to bear Arms were left for the Defence of the Place. And yet even those few were enough to have held it against a whole Army. For the Land is so high, and inaccessible on all sides, and the Steps leading up so steep and narrow, that one Man armed only with Stones might have kept out a Thousand. This Island notwithstanding was taken by a Company of *Flemings*, Subjects of King *Philip* (Husband of Queen *Mary*, who coming in the Night to one of those Paths, and finding it unguarded, went up without Resistance, and took the *French* Prisoners. This is the Account which our own Historian gives of that Surprize (†). But Sir *Walter Raleigh*, who was some time Governor of *JERSEY*, and informed himself with great Care of all the Singularities of these Islands, gives a different Relation of it. For he says it was taken by a Stratagem, which for Contrivance and Success he prefers to many of the Ancients. *The Island of Sark*, says he, (‡) *joining to Guernzey, and of that Government, was in Queen Mary's time* (he should have said in King *Edward* the VIth's time) *surprized by the French, and could never have been recovered again by strong hand, having Cattle and Corn enough upon the Place to feed so*

(*) Hollingshead Chron. ad. an. 1549. pag. 1055. Sir John Hayward's Life of *Edw.* VI. in the Compl. Hist. Vol. II. pag. 300.

(†) Chron. MSS. de *JERSEY*. Ch. xxxiv.

(‡) Hist. of the World, Part I. Book IV. Ch. xi. §. 18.

many Men as will serve to defend it, and being every way so inaccessible that it might be held against the Great Turk. Yet by the industry of a Gentleman of the Netherlands, it was in this Sort regained. He anchored in the Road with one Ship, and pretending the Death of his Merchant, besought the French that they might bury their Merchant in hallowed Ground, and in the Chapel of that Isle ; offering a Present to the French of such Commodities as they had aboard. Whereto (with Condition that they should not come ashore with any Weapon, not so much as with a Knife), the French yielded. Then did the Flemings put a Coffin into their Boat, not filled with a Dead Carcass, but with Swords, Targets and Harquebuzes. The French received them at their Landing, and searching every of them so narrowly as they could not hide a Penknife, gave them leave to draw their Coffin up the Rocks with great difficulty. Some part of the French took the Flemish Boat, and rowed aboard their Ship to fetch the Commodities promised, and what else they pleased, but being entered, they were taken and bound. The Flemings on the Land, when they had carried their Coffin into the Chapel, shut the Door to them, and taking their Weapons out of the Coffin, set upon the French. They run to the Cliff, and cry to their Companions aboard the Fleming to come to their Succour. But finding the Boat charged with Flemings, yielded themselves and the Place. I have seen Memoirs which confirm the taking of this Island by such a Stratagem ; but the other Circumstances of Time and Persons do not agree with the foregoing Story. (*)

Queen ELIZABETH had scarce any War with France all the time of her happy Reign. In compassion indeed to the

(*) *Sarcenses Insulani*, prædæ avidi, adulterii pharis & ignibus Nautas & Mercatores noctu ad naufragium impellebant, ut eis jactura commodo cederet ; quod cum aliis, *Riensibus* quibusdam *Anglis* & *Winchelsensibus* factum est ; undè commoti ipsi, cum non possent palàm uleisci injuriam, hanc dolorem aggressi sunt. Finxerunt mortuum dominum navis, rogant Insulanos ut liceat eis in suo Sacello sepelire ; concesserunt, eâ tamen lege ut comitarentur corpus inermes. *Rienses* igitur pheretrum impleverunt armis & ensibus, pro mortuo efferunt, Insulam & Sacellum sunt ingressi, pheretrum aperierunt, incautos *Sarcenses* invadunt, obruncant, Insulam vastant. Ex. MSS. *Philippi de Carteret, Esq.*, aur. dom. de *St. Oûen*, defunct.

Reformed of that Kingdom (whom Popish Persecution and Cruelty had forced to take up Arms, in their own Defence) she sent them Six thousand Auxiliaries, and had the Town of *Havre de Grace* in *Normandy* put into her Hands by the said *Reformed*, for a Place of Security to her Troops, and for keeping open a Communication with *England*. But they, entering soon after into a Treaty with their King, were the most eager and forward to wrest the Town again from her, joining even with their Enemies the *Papists* to besiege it, and send away those who were come to assist them, and had fought for them (*). Which fickle and ungrateful return made the wise Queen more shy and reserved towards them, and prevented her breaking openly with *France* upon their Account, yet without abandoning them altogether. Peace and Prosperity to herself and to her People were the Fruit of that Counsel, whilst the *French* (now more at Enmity than ever, notwithstanding the late Pacification) were sheathing their Swords into each other's Bowels. This Civil War within themselves, did, with regard to us, operate in like sort as their Expedition into *Italy* had done; that is, it made them forget us for a season. And were it a Christian Wish, one would not be sorry if such turbulent Nations were so always employed at home in their own mutual Destruction, as to be thereby disabled from disquieting their more peaceable Neighbours. The Queen well knowing the Temper of the *French*, and judging from what was past, that upon dropping their Domestick Quarrels, they would cast the same evil Eye towards these Islands as formerly, resolved to enlarge her Royal Care of them. The Retreat they had afforded to great Numbers, and among them to many of the best Quality in *France*, who fled from the Massacres (†), had rendered the said Islands yet more obnoxious to a bloody and superstitious Court, against whose Resentment there was great need to arm them. Accordingly in *Guernesey*, such improvements were made to *Cornet-Castle*, that for

(*) Camden Elizab. ad. an. Rigni V. & VI.

(†) Popeliniere Hist. de France, Vol. II. Liv. xxxiv. fol. 143. Verso,

Strength and Beauty it yielded to none throughout the Queen's Dominions (*). In JERSEY, we had a New one built, which, as founded by this Queen, bears her glorious Name (†), and will be mentioned again hereafter more than once. Her Grant of the Island of *Sark* to *Philip de Carteret, Seigneur de St. Ouen*, in order to people and plant it, shews no less her Concern for our Tranquillity. For though she might therein intend to favour a Gentleman whose Family had highly merited of the Crown we should wrong her excellent Wisdom and Judgment, if we did not suppose she had a farther View in it, *viz.* to keep the *French* from nestling there again, as they had done in her Brother's time, and thence giving us fresh Trouble and Disturbance.

King JAMES I. was a most pacifick Prince, who having little left him to do for us in the way of Military Defence, turned his Thoughts to the better settling of Religion in these Islands, and bringing them to a Conformity to the Church of *England*, which he happily effected in JERSEY; a Work doubtless more acceptable to God, and which will perpetuate his Name among us no less, than if he had invironed this Island with a Wall of Brass. A Work of all others the most congruous to his peaceful Reign. Thus, when God would have a Temple among the *Jews*, he chose the peaceful Reign of *Solomon* for the building of it, and not that of *David*, though otherwise a most excellent Prince, because *he had shed much Blood upon the Earth, and had made great Wars* (‡). These two Reigns of Queen *Elizabeth* and King *James I.* were on all Accounts the best Days we ever saw, and truly the *Golden Age* of these Islands (44).

King CHARLES I. notwithstanding his early Match with a Daughter of *France*, Sister of *Lewis XIII.* found himself unhappily drawn into a War with that Crown. *Lewis* had renewed the Persecution against his Protestant Subjects, and laid Siege to *Rochelle*, their strongest Hold. The Duke

(*) Heylin's Survey of *Guernezey* and JERSEY, Ch. i. pag. 298.

(†) Elizabeth-Castle.

(‡) 1 Chron. xxii. 8.

of *Buckingham* being sent with a good Fleet and Army to their Relief, and landing in the Isle of *Rhé*, it so provoked the *French*, that they threatned to revenge the Affront by a like Descent the Year following on the Islands of *JERSEY* and *Guernezey*. Which being known in *England*, proper Measures were taken to disappoint them. The Earl of *Danby*, Governor of *Guernezey*, was ordered forthwith to the Islands, with Supplies, and Instructions to make all the Dispositions necessary for a good Defence (*). The Garrisons were reinforced, the Militia reviewed and exercised, Arms distributed to such as wanted, the Magazines stored and replenished; and, for a conclusion, the Earl calling together the *States* of each Island, exhorted them in a set and pathetick Speech to remember their ancient Fidelity to the Crown of *England*; which they cheerfully promised, and would no doubt have bravely performed, had the *French* gone about to execute what they had threatned. But whether deterred by the Preparations made to receive them, or diverted by other Incidents, we heard no more of them (45).

About this time, at the King's Direction and great Expence, was built the *Lower Ward* of *Elizabeth-Castle* in *JERSEY*, taking in the whole Circuit of Ground that had heretofore been the Site of the Abbey of *St. Helier*; and is called the *Lower*, to distinguish it from the *Upper Ward*, which stands higher on a rocky Eminence, and was the Work of Queen *Elizabeth*. When 'tis considered how unreasonably stiff and backward to supply him in his greatest Necessities, this good King found his Parliaments, from the very entrance of his Reign, it ought so much the more to endear his Memory to us of this Island, in that out of his Wants he would spare for the raising of such a Fortification. As we partook in his Beneficence, so did we in his Afflictions and Sufferings, which now came on apace upon him, and were such as no Christian King ever met with the like from his own People. This Island had given Birth to

(*) *Dr. Heylin's Survey of the Islands is owing to this Voyage in which he attended the Earl as his Chaplain.*

a Gentleman, who, in that great Apostacy, preserved his Integrity and Loyalty, and was a means to establish and confirm us in ours. This was Captain *Carteret* (afterwards Sir *George*) *Controller of his Majesty's Navy, a Man, says Lord Clarendon* (*), *of great Eminency and Reputation in Naval Command.* He stood so well in the Opinion even of the Parliament, for true Honour, Courage, and Abilities, that when they committed the Fleet to the Earl of *Warwick* in opposition to the King, the two Houses had cast their Eyes upon him for Vice-Admiral. But he knew better what became him, than to accept of an Employment from them, unless the King had judged it expedient for his Service. Unhappily his Majesty did not judge it such, nor would consent that one of his Servants should so far countenance their undutiful Proceedings as to be any ways concerned with them, which the Noble Historian laments as a most fatal Error. For (to use his own (†) Words) *if Captain Carteret had been suffered to have taken that Charge, his Interest and Reputation in the Navy was so great, and his Diligence and Dexterity in Command so eminent, that it was generally believed, he would, against whatsoever the Earl of Warwick could have done, have preserved a major Part of the Fleet in their Duty to the King.* Upon this, Sir *George* withdrew himself with his Family to *JERSEY*, and being well assured of the hearty concurrence of the Inhabitants, declared for his Majesty (46).

And now the Sword was drawn on both Sides, and the Nation run into Blood. No Concessions that a gracious Prince could make, though in diminution of his just Authority, would satisfy. The Rebels grew more insolent upon every Success, and more averse to Peace. God's Counsels are inscrutable. Through his permission, those wicked Men went on triumphing in their Villany. They beat the King out of the Field, and, having run him down like a hunted Deer, laid their impious hands on his Sacred Person. Yet, amidst

(*) History of the Rebellion. Vol. I. Part 2. pag. 679. Edit. in 8^o.

(†) Id. Ibid.

all their Prosperities, this little Island was still a thorn and a Goad in their Sides. For to make a Diversion (*), Sir *George* had caused to be equipped about half a score small *Frigates* and *Privateers*, to cruise upon Ships trafficking under Passports from the Parliament's Officers. Those soon struck a terror all over the *Channel*; Trade was interrupted; Merchants complained of their Losses; few would venture to Sea without Convoys; and then it came to be understood what Mischief may be done to *England* by these Islands being in the hand of Enemies. We could not avoid falling under that odious denomination, among them who happened to be Sufferers by us, although in reality we were not Enemies to *England* and God forbid we ever should. We were so only to Rebels, to those who themselves were Enemies to their King, wherein we behaved no otherwise than will always become good Subjects, placed in the like Situation as it then was our misfortune to be. And here we have an Example which methinks should never be forgotten, but remain a standing Admonition to *England* of the Danger to it from these Islands, supposing them possessed at any time hereafter by the *French*. For if a Governor of *JERSEY* with a few small *Privateers*, could make himself so formidable, what would not a vastly greater Naval Power of *France* stationed in these Islands, as most certainly such a one there would be, what (I say) would not such a Power be able to do (47)?

The King had sent the Prince his Son into the *West*, to have him out of the reach of the Evils which might befall himself, rightly deeming it too great a Venture to hazard both their Persons together. And the event justified his Majesty's Wisdom therein. For by that means the Prince was reserved to better Times, though first led by Providence through many great Trials. The Forces designed to act under him in the *West* not answering the Service expected from them, and the Enemy pressing so hard upon him that

(*) Besides making a Diversion, there was a necessity to provide for a numerous Garrison, which could only be done by creating a Fund for that purpose out of the Captures and Prizes brought in.

they had almost pent him up in a Nook of the *Lands' End*, he was forced to betake himself to the Isle of *Silly* for present Safety. After some stay in that poor Place, loyal indeed, but destitute of Necessaries, he removed to JERSEY, where he was most joyfully received, and better accommodated. He found here at least what to be sure his generous Spirit would chiefly regard, *viz.* Hearts full of Duty and Affection to him. The King had appointed a Council to attend him, among whom the most credited and confided in, seems to have been the *Chancellor of the Exchequer*, Sir *Edward Hyde*, afterwards the great *Earl of Clarendon*. No sooner were those noble Persons, with their Royal Charge, arrived in the Island, but their first care was to view the same all over, and take a good *Account* of it, and having so done declared their Opinion, with which the Prince concurred, *That it was a Place of the greatest security, benefit, and conveniency to repose in, that could have been desired and wished for ; till upon clear information and observation of the King's condition, and of the State of England, he (the Prince) should find a proper Opportunity to act (*)*. The Queen his Mother was then in *France*, who by frequent Messages and Letters solicited his repair thither, seeming not to think him sufficiently safe in this Island. But the Council had no inclination to trust the Heir of *England* with those who had shewed so little Kindness to the Father, and had *originally fomented the Rebellion*. Therefore the Lords *Capel* and *Colepepper* were sent with the Prince's excuse to his Mother ; and, to allay her fears, were instructed to tell her in his Name, *That he had great reason to believe this Island to be defensible against a greater Force than he supposed probable to be brought against it : That the Inhabitants expressed as much cheerfulness, unanimity, and resolution for the defence of his Person, by their whole Carriage, and particularly by a PROTESTATION voluntarily undertaken by them, as could be desired : And that if, contrary, to expectation,*

(*) History of the Rebellion, Vol. III. Part I. pag. 4. Edit. 8^o.

the Rebels should take the Island, he could from the Castle (a Place of itself of very great Strength) with the least hazard remove himself to France, which in case of imminent danger he resolved to do (*) (48). The good Queen had suffered herself to be deluded by the Arts of Cardinal *Mazarin*, who about this time began to intrigue with *Cromwell*. They wanted the Prince in *France* to make their Market of him, and drive the better Bargain with *England*, according as Conjectures should fall out, and Times might vary. No Promises were spared on their part to decoy him over to them, not one of which they meant to keep, as the Prince quickly found, when vanquished by his Mother's Importunities, and at last by her most peremptory Command, he went and put himself into their Hands. How little he was considered or assisted, nay, how much slighted and disregarded, is too unpleasant to dwell on; but it has often been my admiration, that after he was restored to his Kingdoms, he would ever put any Confidence in so false and faithless a Court (49). The time of his abode with us, was about two Months; but we had the Honour of his Presence again when he was King. Those of the Council who could not approve of his going to *France*, staid here longer; but Lord *Clarendon* (whom I so call by anticipation) longest of all, even no less than *five and twenty Months*: And that respite from Attendance he employed in making a farther Progress in the *Incomparable History* he has left us, begun some Years before, but often interrupted through the great Agitations of his Life (50). Having acquainted the King with what he was upon, he received his Majesty's *Thanks*, and soon after *Memorials of diverse important Passages under his Majesty's own Hand, or reviewed and corrected by him* (†); and Those enabled the Author to relate with greater assurance things transacted whilst he was at a distance from them, *viz.* whilst he was with the Prince in the *West*; nor could he desire better information of the Truth of those Affairs than from his Majesty

(*) History of the Rebellion. Vol. III. Part. I. pag. 7. Edit. 8^o.

(†) History of the Rebellion. Vol. III. Part. I. pag. 70. Edit. 8^o.

himself. 'Tis a pleasure to me to mention these Particulars, because methinks there is an Honour reflected on this Island from that *Immortal Work* having been, at least in part, compiled amongst us, and written (as I may say) with JERSEY-INK. His Residence was in *Elizabeth-Castle*, with his Friend Sir *George de Carteret*; and there I have seen still standing (and looked on with a sort of veneration) the humble House (*) (51) where that Great and Good Man spent the forsaid *five and twenty Months* on that *Work*; the House, in memory of him, retaining a long while after the Name of *la Maison du Chancelier*. In *May* 1648 he was recalled to wait again on the Prince, now preparing to go for *Holland*, abundantly convinced of the emptiness of *French* Protestations and Promises.

Few days after the Prince had landed in JERSEY, the King went to the *Scots Army* before *Newark*, and from his coming among them we are to date the long and cruel Captivity he underwent, never from that time to his Death having had the Freedom of his Person. I shall not follow him from one Durance and Confinement to another, and only observe that when His Majesty made his Escape from *Hampton-Court*, and sought a place where he might securely repose his weary Head, he seems to have had JERSEY in his View; for that at his coming to the Sea-side, i. e. *Southampton-River*, where Embarkations for these Islands are usually made, he asked, *Where the Ship was that should transport him* (†)? How, instead of that, he was carried to the *Isle of Wight*, and there immured, and made a closer Prisoner than ever; how, I say, he was carried thither, whether by involuntary Error, or designed and concerted Treachery, has been hitherto a Mystery, and will probably remain so, until the Day appointed for the Manifestation of Secrets; and then shall every dark Counsel and contrivance formed to destroy him, though hatched and laid as deep as Hell, be brought to open Light, and meet with its deserved

(*) It stood in the Lower-Ward of the Castle, adjoining to the Chapel, all which ancient Buildings are now demolished.

(†) History of the Rebellion, Vol. III. Part, I. pag. 84. Edit. 8^o.

Reward. Neither were they contented with their barbarous Usage of him in *Carisbrook-Castle*, where his Life was threatned with Poison and Pistol (*); but as if his Restraint there had not been severe enough, they transferred him to *Hurst-Castle*, a most unhealthy Place, without fresh Water, annoyed with the stinking Vapours and Smoke that arise out of the neighbouring Marshes and Salt-pans; and withal so straitned for Lodgment, that this Great King had hardly there the Conveniencies which many an Ordinary Criminal finds in a common Jayl. The World standing in a Maze what they intended next to do with him, their Meaning was soon known to be, from that loathsome Prison to lead him to a Scaffold, which indeed to him might be thought a Deliverance. But when the Report of so monstrous and unheard of a Wickedness came to us in JERSEY, it struck us all with Horror; and there appeared a Zeal and Forwardness in many of our bravest and most resolute Islanders, to endeavour at the Peril of their Lives to rescue the Captive King, by surprizing the Castle. The thing, though difficult and hazardous, was not thought absolutely impossible; because, as all Ships from these Parts and from the West going into the Port of *Southampton*, must and do of Course pass close by this Castle, so it was presumed that four or five Vessels of this Island, with a sufficient Number of chosen Hands concealed under the Hatches, might come so near without creating a jealousy, as to give Opportunity to the Men to sally forth suddenly, and scale the Walls. For some Years after the *Restoration*, when the past Evil Times were fresh in Men's Memories, and more the Subject of Discourse than they are now, I well remember to have heard such a Design talked of among our People, and Gloried in as an Instance of our Loyalty, at least in Purpose and Intention, but was yet too young to enter into an Affair of that Nature. So that how far the Design was pursued, or what hindered the Execution of it, I cannot take upon me to say. 'Tis possible the King's being hurried to his Trial, before

(*). Ibid page 231, &c. where see the Account of Rolph's Plot to murder the King.

things could be got in a readiness, might cause the same to miscarry. But this I may with confidence affirm, that there was nothing within our Power which we would not most gladly have done to save his precious Life. And 'tis no small Comfort and Satisfaction to us even at this Day, That at whosesoever Door the Guilt of that Righteous and Innocent Blood may lie, we of this Island have no otherwise contributed to the shedding of it than by our Sins in general, which added to the Sins of the Nation (a dreadful Load!) pulled down that heavy Judgment on us all.

When the horrible Blow was given which laid the Head of the Royal Martyr, and with it the Crown and Monarchy, in the Dust, this Prince was at the *Hague*, in a most forlorn and desolate Condition. He saw his Inheritance seized by Traytors and Parricides, and all Men forbidden to own, aid, or abet him, on pain of Death. But in this Island we despised their Threats, and His (now) Majesty (52)

King CHARLES II. was readily and solemnly proclaimed, with all his Titles. Naked and empty Titles, without Means of Subsistence! How little regard other Crowned Heads had to his Necessities and distress, 'tis a Shame to say. His present only Support was from the Generosity of the Prince of *Orange*, who had married his Sister, the Father and Mother of our great King *William*. There was not a Court in *Europe* where he could promise himself to be received and treated with Dignity; and if suffered some time in *Holland*, it was owing to the Credit and interest of the foresaid Prince his Brother-in-law. But when they heard there of a threatening Embassy coming from the New-fangled Commonwealth in *England*, they were impatient to have him gone; fearing to provoke that insolent Crew of Men, who by not sparing their own King, and having ready at Command an Army of hotbrained Enthusiasts, flushed with Blood, were become terrible to all the neighbouring Powers. Once His Majesty thought of trying his Fortune in *Ireland*, but all hopes failing of doing any good there, he laid that Design aside. To *Scotland* he was invited, but upon Terms so derogatory to his Honour, and offering such

Violence to his Conscience, that he could not yet bring himself to submit to them, though afterwards he did, through the Inducement and Over-persuasion of others. In this Perplexity, not knowing whither to bend his Course, he remembered his Loyal little Island of JERSEY, which two Years before had afforded him so seasonable a Retreat when he could set his Foot no where on *English* Ground with Safety. He now therefore resolved to visit it again, and there rest himself, waiting with Patience on the good Providence of God for a change in his Affairs. It was in Autumn that His Majesty came to us, and he staid with us till the Spring following. As he found us the same dutiful People, so we him the same easy, humane, affable Prince; which perhaps needed not be mentioned, it being the known Character that distinguished him all his Life. None were denied Access to him, neither did he disdain Invitations and Entertainments from our little Gentry, whom of himself he would sometimes honour with a Visit at their Habitations, as he rode about the Island. With all Parts of which he grew so well acquainted, that (having some skill in the Mathematicks) he drew a Map of it with his own Hand, intending no doubt to keep the same in remembrance of a Place where he had enjoyed more Peace and Quiet, than hitherto any where else within or without his Dominions. The Map at present is, I know not how, got into the *Heer Van Aldershelm's* Cabinet of Curiosities at *Leipsic* in *Saxony*, where it is shewn to Travellers (*). At his first being here, he had given Order for the Construction of a Fort, to be in the Nature of an Outwork to *Elizabeth-Castle*, which finding now perfected, he would have it called by his own Name, *Charles-Fort*. It has been since incorporated with the Castle, by inclosing with Walls and Ramparts a long Slip of Ground which parted them.

The *Scots* informed of the King's abode in this Island, followed him hither with Messages, praying him to come nearer to them, for better Convenience of Treating, this

(*) *Dr. Brown's Travels*, page 172.

Place keeping him and them at too great a Distance from each other. Whereupon His Majesty left us, but so satisfied with the hearty and chearful Reception he had found among us, that as long as he lived he was pleased to retain a generous Sense of it. To inquire now by what Counsels he was drawn into *Scotland*, and how used when he came there, would be going too far out of the way. 'Tis enough to say, that acknowledged at last he was for their King, and with an Army of that Nation marched into *England*, in hopes to be joined by his more trusty Friends, the Royalists in this his other kingdom. Which expectation failing in great measure through various Accidents, and a Battle ensuing, that Army of *Scots* was put to the Rout; and His Majesty forced to abscond for the saving of his Life, a Price being set upon his Head. After two long months wandering from place to place, in continual danger of being discovered, by the necessity of trusting his Person in many unknown Hands, it pleased God to open a Door for him to escape and get safe beyond Sea. And so wonderful was the Deliverance, in all the Circumstances of it, that we may search in vain every History from the beginning of the World for an Example of such another.

During those Transactions, the Usurping Powers in *England* were making great Preparations for the reducing of this Island; enraged at our owning and harbouring the King in defiance of them, and alarmed at the taking of so many of their Traders by our Privateers(*) 53, who continued cruizing

(*) Whitlock's Memorials, &c. ad. An. 1650. Feb. 21. *Letters that several Merchant-men have been taken on the Western Coast by the JERSEY-Pirates.*—Feb. 26. *Letters that two Dutchmen laded with Salt, came to an anchor within half a League of Dartmouth-Castle. That presently after two JERSEY-Pirates came up with them, cut their Cables, and carried them away. That the Castle, shot at them, but could not reach them.*—March 1. *Letters of JERSEY-Pirates very bold upon the Western Coast.*—March 6. *Letters of several Ships taken by the Pirates of JERSEY.*—March 15. *Of the want of Fregats upon the Western Seas to keep in the Pyrates of JERSEY.*—March 17. *Of the JERSEY-Pirates taking several Merchant-Ships, and none of the Parliament Fregats to help them.*—March 19. *Letters of Pyracies committed by those of JERSEY.*—Nov. 30, 1651. *Letters that the JERSEY-Pirates took two Dartmouth-Ships, and three other Ships.*—April 17. *Letters of the JERSEY-Pirates taking two Barks laden in Sight of Portland.*—April 21. *Of more Prizes taken by the JERSEY-Pirates, and of Captain Bennet's fighting with two of them four Hours.*—July 14. *That five English Vessels were taken by Boat's.*

in the *Channel*, and were grown so bold as to make Captures in the very Harbours. And for this we, who had the King's Commission to warrant what we did, must forsooth be called *Pirates*, by those than whom there never were more lawless and impudent *Freebooters*; having no authority but from themselves, that is, none at all; who had *robbed* one King of his Life and Crown, another of his Birth-right and Inheritance, and the whole Nation of its Peace and Happiness. They called us *Pirates*, by the same Figure that they hanged for Traytors the King's most faithful Subjects; whilst they themselves, by daily accumulating one Treason upon another, had a hundred times forfeited their Lives to the Laws. Such bold abuse of Language, which confounds all Nations of Right and Wrong, shews any set or Party of Men among whom it prevails, desperately wicked, and sold to Iniquity.

In *October* 1651, the Armament fitted out against us put to Sea, under command of Admiral *Blake*, whilst Major-General *Haines* had in particular Charge the Forces appointed for the Descent. The twentieth of that month (*), four score Sails (which were but part of the Fleet) appeared in Sight of the Island, and the same Day came to an anchor in *St. Oûen's Bay*. That Bay lies open to a westerly Wind, which here blows at least one half of the year, and when raised to a Storm, rolls in such a Sea as no Ships can stand against, without danger of perishing every Moment. But the same unaccountable Success which used to attend the Rebels at other times, attended them also now. All the while they lay in this Bay they had such smooth Water, that in the Memory of Man the like had not been known in so advanced a Season. This somewhat startled our People, but nothing in comparison of a dismal Report which on a sudden flew about

of JERSEY carrying four or five Guns apiece.—July 18. Letters of two Prizes taken by a JERSEY Fregat of eight Guns, twenty-four Oars, and eighty Men; and that there were twelve of those Fregats belonging to JERSEY.—August 7. Letters of much Damage done by the JERSEY-Pirates.—Sept. 27. Letters of the JERSEY-Pirates doing much mischief upon the Western Coast, &c.

(*) Relation de la prise de l'Isle et des Châteaux de JERSEY, par les Rebelles d'Angleterre. MSS.

the Island, of the King being Prisoner, and at the Mercy of his Enemies. We had heard of the Battle, yet still hoped well of His Majesty's Person. But now Sorrow and Despair might be seen in every Face. The most dispirited began to cry out, That it was in vain to contend any longer with Powers, who like a Torrent bore down all before them. And what good would the sacrificing of ourselves do the King now, when perhaps he was no more, and had already undergone his blessed Father's cruel Fate? For what else was to be expected from those Bloody Miscreants into whose Hands he was fallen? Here it was that Sir *George de Carteret* had need of all his Authority, and of the great Respect which every body paid him, to keep many from laying down their Arms. Nor peradventure would that have done, had he not by prudently concealing his own Fears, and putting on an Air of Unconcernedness, discredited that Report among the Troops; who watched his Looks, and seeing no Alteration there, concluded that he, who must know more than they, believed nothing at all of the Story. By that means he raised their Spirits again, and brought them on to face the Enemies.

These lay quiet all that Day, and the Night following. But the next Day, *October 21.* early in the Morning, their Cannon began to play, which was answered by that on several little Forts and Redoubts in the Bay, and by four and twenty Field-Pieces always following the Militia upon a March. Some of the lesser Fregats advanced so near the Shore as to bring both Parties within a distance to ply their small arms; our Men boldly wading into the Water to meet the Enemies, returning their Fire, and calling them aloud *Rebels, Traytors, and Murtherers of their King.* This lasted four Hours, after which the whole Fleet drew off, and went to *St. Brelade's Bay* (about a League from that of *St. Oüen*) where being anchored, they sent back a Squadron to *St. Oüen*, and others towards *St. Aubin's Bay, St. Clement,* and *Grouville* (*); meaning to tire and distract

(* Here 'tis convenient to look into the Map.

our Troops, by making a Shew as though they intended to land in all those different Places at once ; and accordingly several Companies were detached to wait on their Motions ; the main Body of the Fleet lying still in *St. Brelade's Bay*, and the best Part of the Camp there likewise to observe it.

October 22, a little after Midnight, the Enemies at *St. Brelade* were perceived to ship off in several flat-bottomed Boats, which they had brought for that Service, ten or twelve Battalions, to the number (as was conjectured) of about four thousand Foot, in order to make a Descent, which they attempted by break of Day, under the Covert of their Ships, which approached as near to the Land as the nature of the Place would give leave, sparing neither Powder nor Shot on that occasion. But seeing themselves beaten from two small Forts that had been raised in the Bay, and the Islanders drawn up on the Sands in a posture to receive them, they thought fit to retire to the Ships, which forthwith weighed Anchor, and returned to *St. Oûen*, leaving only nineteen Men of War in *St. Brelade's Bay*.

This obliged the Governor to follow them again to *St. Oûen*, after he had posted some Companies of the Militia, his own Company of Fuzeliers, and all the Dragoons, to oppose those that remained at *St. Brelade*. The Enemies being come to *St. Oûen*, directed their course Northwards, to *L'Etac*, the farthest Point of that Bay, as if they meant to land there, whither they were accordingly followed by the Islanders. But it soon appeared their Design was only to harrass our Troops ; for they suddenly tacked about, and steered to the opposite Point ; which Motion was likewise attended by our Forces on shore : The Enemies playing all the while furiously with their Cannon, which was answered in the same manner as the Day before.

The Night coming on, it was thought necessary to send the Troops, which had now been three Days and two Nights under Arms, exceedingly fatigued with so many Marches and Counter-marches, and much incommoded by a small Rain that had not ceased to fall ever since they were in Action, to refresh in the neighbouring Villages ; the indefatigable

Governor, with a small Body of Horse, not departing all the while from the Shore (54). It must not be forgot, that the Enemies were that Day re-inforced by a Squadron of fresh Ships, which joyned the Fleet a little before Night.

That fatal Night, which proved extraordinary dark, and under the favour of it, the Enemies landed a Battalion; which as soon as discovered, was with great Bravery and Resolution charged by the Governor and the Horse he had with him. The Charge was bloody and desperate (*), many of the Enemies being killed and wounded (†). But others poured on so fast, that the Infantry, dispersed along the Coast for Refreshment, as was said before, had not time to come in, and sustain the Horse; which certainly did Wonders, by the confession of the Enemies themselves, who have often said that they could not have stood such another Charge. And now all farther Opposition ceasing, there followed a general landing of the Rebel Army; and the very next Day, *Oct. 23.* so furious a Tempest arose from the West, that if they had not by such lucky and timely Reduction of the Island, gained a Retreat for their Fleet into the Ports, the greatest Part of it must in all appearance have perished; as it happened to one of their stoutest Ships, which was dashed to pieces against the Rocks, and not a Man saved of three hundred that were in it. Though they were yet Masters only of the open Country, and not of the Castles, the News of that Success was received with great Joy by the Men sitting in *St. Stephen's Chapel*, and a publick Thanksgiving ordered thereupon (‡).

The Fort of *St. Aubin*; which commands the Harbour of that Name, might have proved a hinderance to the Fleet's taking shelter there. The first thing therefore the Enemies

(*) Whitlock's Memorials. an. 1651. Oct. 30. *Letters that Colonel Haines with his Forces anchored at JERSEY. They were desperately charged by a Body of Horse.*

(†) *Among the slain on our side, was Colonel Bovil, a gallant Officer, much regretted by Sir George.*

(‡) Whitlock, ut supra, Nov. 3. *The Parliament ordered, that the Ministers of London and Westminster do on the Fifth of November next, in their several Congregations, give thanks to God for the gaining of JERSEY Island.*

very wisely did, after they were landed, was to attack the said Fort. And though Sir *George*, who knew how important the Preservation of it was at that critical Hour, had given a most strict Charge to the Officer and Soldiers in it, to hold out to the last extremity, he was ill obeyed, and with grief saw the Place yielded up almost as soon as summoned. The *MSS. Relation* (*) from which I extract these Particulars, imputes the utter loss of the Island to that too precipitate and hasty Surrender; reasonably supposing, that the Enemies Ships, quitting St. *Oûen's* Bay to come into St. *Aubin's*, for Security against the Storm, could never have kept upon their Anchors betwixt the two Fires of *Elizabeth-Castle* and of that Fort.

Nor did *Mont-Orgueil* make a much better Resistance, which may seem strange after the Account given above of this Castle. But, alas! it was no longer the same, as in those ancient Times, when a *Constable of France* with ten thousand Men besieged it in vain. For ever since *Elizabeth-Castle* had been made the Residence of the Governour, the chief Care was laid out upon That, and very little done to support This. It had but eighteen Guns mounted, with five Iron Murderers, when Major-General *Haines* sat down before it, as I find in the Relation he sent to his Masters (55). Besides, no News coming yet of the King, Men's Hearts were thereby so brought down, and their Hands weakened, that 'tis rather a wonder any Resistance at all was made, when People could not now tell for whom they fought and exposed their Lives.

The Enemies to complete their Victory, had the hardest Task still remaining behind, *viz.* the gaining of *Elizabeth-Castle*. This they must not look to have as cheap as they had the others. Sir *George* had shut himself up in it, resolved upon a Defence worthy of his Courage, and of the Goodness of the Cause in which he was engaged. With him there went in sundry prime Persons of the Island, Magistrates, Clergymen, and others, desirous to give Proofs

(*) *La Prise de cette Place leur Sauva toute leur Flotte, que la Tourmente qui s'esleva le lendemain eût indubitablement fait perir, si elle ne se fust mise a couvert comme elle fit dans le port de Saint Aubin.*

of their Loyalty to the last. The Garrison consisted of three hundred and forty Men mustered for Service, with Provisions for eight Months in proportion to the said Complement. As for the Castle itself, the Description of it belongs more properly to another Place (*), and thither I refer that. After a previous and peremptory Summons from the Commander of the Rebels, and such an Answer from the Governor as became him to give, the Cannon was pointed against the Castle. It could be brought no nearer than *St. Helier's Hill*, at the Distance of six hundred sixty three Geometrical Paces, *i. e.* of about three Quarters of a Mile, all betwixt the Hill and the Castle being Sea or Sand, without firm Ground whereon to raise Batteries. One may judge that firing from such a Distance could not much damage the Walls. All the harm done in many Days from the continual fire of twelve Thirty-Six Pounders, amounted to no more than beating down some Parapets, which were soon made up with Turf. It was now far in *November*, and then the joyful News came of the King's safe arrival in *France*. Whereupon Sir *George* dispatched Mr. *Poingdestre*, (the worthy Gentleman mentioned in the Preface) to congratulate His Majesty on his miraculous Deliverance, and inform him of the Enemies progress, with the state of the Garrison.

A poor Fellow, brought in by a Party that had been sent out for Intelligence, and asked what the Enemies were doing, said, they were with great labour drawing up *St. Helier's Hill* two monstrous Guns, the like whereof had never been seen in the Country. It was easily understood what those monstrous Guns were, *viz.* two very large Mortars, which being fixed threw Shells into the Castle of near thirty inches Diameter. One particulary happening to fall upon the Church, did most dreadful Execution (56). This was the old Church of the Abbey of *St. Helier*, subsisting still in part, and having under it a Magazine, in which, among great Quantities of other Stores and Provisions, were laid twelve Barrels of Powder for the Service of

(*) The Chapter of Military Governm ent.

the Artillery in the Lower Ward. The Bomb broke through two strong Vaults, and setting the Powder on fire, scattered Ruin and Desolation all around, destroyed the Provisions, and (which was most lamentable) killed outright forty of the best Soldiers of the Garrison, besides Armorers, Carpenters and other Workmen useful in a Siege. So terrible a Blow, and unexpected, caused a great Consternation in the Place, and gave occasion to some, more faint-hearted than the rest, to talk of surrendring. Such Discourse could not be pleasing to Sir *George*, who by his Prudence quieted all for the present; yet found it necessary to acquaint the King with this new incident and withal crave Assistance, if so be His Majesty could prevail with the Court of *France* to grant it; and with this Message he sent his Chaplain, the Reverend Mr. *Durel* (*), Mr. *Poingdestre* not being yet returned. The King's Answer was to this effect, "That all his Solicitations at that Court had been in vain, and would still be so though repeated never so often, such a Conjunction there was of Counsels and Interests betwixt *Cromwell* (†) and the Prime Minister Cardinal *Mazarin*; adding, that he would not deceive him with a promise of Succour, which he was in no condition himself to give, nor could obtain from others; that he relied on his known Experience and Ability to do what to him should seem most proper; yet advised him, rather to accept of a reasonable Composition whilst it might be had, than by too obstinate a Defence bring so many loyal Gentlemen with himself into danger of being made Prisoners of War." Sir *George* seems to have had a noble Ambition that this should be the last of the King's Garrisons that bent under the Power of the Rebels, as in fact, (I think) it was the last. Therefore seeing the Castle still tenable, no Breach made, no dispositions of the Enemies for an Attack, he resolved to keep them out at least some time longer, and concealed the King's Permission to treat,

(*) Dr. *Durel*, a Native of the Island, afterwards Dean of Windsor, &c.

(†) *Cromwell* was not yet Protector, but in reality had as much Power as if he had been already so.

lest the Knowledge of it should renew the Cry for a surrender. And so the Siege went on as before. But at length Provisions growing short, the Number of Defendants lessening daily by Death and Desertion, and no possibility left of procuring Supplies or Recruits of either, he called a Council of Officers, and laid the King's Letter before them. It was then concluded to yield to Necessity, which the bravest Men in the Course of a War are often forced to do, without loss of Reputation. In short, the Garrison marched out upon equal and honourable Terms, and by the reddition of the Place, the Enemies became Masters of the whole Island (57). As for Sir *George* he went to *Paris*, to give the King a more perfect account of all that had passed in this Affair, and then settled with his Family in *France*, where he remained under many Mortifications, says Lord *Clarendon* (*), by the Power and Prosecution of *Cromwell*, till His Majesty's happy Restoration.

Guernезey had some Years before submitted to the Usurpers, save *Cornet-Castle*, which singly stood out for the King. This occasioned a sort of Intestine War in that Island, the Castle and the Town exchanging many Shots at each other. But when all hopes vanished of doing His Majesty Service by a farther Resistance, that noble Castle also opened its Gate to the Rebels; who in this same Year 1651, (so fatal to these Islands) made an end of subduing the Royal Party every where intirely (58).

There had been no small Apprehension in *England*, lest the King, urged by his Necessities, should be induced to put these Islands into the hands of the *French*, for Security of such Sums of Money as they would then very readily have furnished him with: And that such a thing was in agitation, *Whitlock* tells us the Men at *Westminster* had advice by Letters from Abroad; nay, he says, those Letters spake not of a simple Consignation only, but of an absolute Sale (†). It cannot be denied, but the King had it in his

(*) Hist. of the Rebellion, Vol. III. Part II. page 466.

(†) Memor. ad. an. 1651. Letters that *Jermyn* and *Greenvil* were sent to *Paris*, to advise about selling of *JERSEY* to the *French*.

Power to have so disposed of these Islands, if he had pleased ; and had met with Provocations more than enough from a rebellious Kingdom, to justify almost any Measures he could have gone into to its hurt and prejudice. Now supposing such Counsel to have been suggested by some about him, the Event however shews that His Majesty generously rejected it, and in the words of our Great Author (*), *was so strict and punctual in his care of the Interest of England, when he seemed to be abandoned by it, that he chose rather to suffer those Places of great importance to fall into Cromwell's Power, than to deposite them, upon any Conditions; into French hands ; which he knew, would never restore them to the just Owner, what Obligations soever they entered into.* None understood better than the King, who had so long resided in one of them, how much it concerned *England*, that the *French* should never have any thing, on any pretence, to do with these Islands ; and it shews the Greatness and Nobleness of his Mind, no less than his Wisdom and Forecast, in that, stifling his just Resentment, he would trust his most deadly Enemy with them, rather than that Nation. By being in *Cromwell's* hands, they would remain to the Crown, that Crown to which His Majesty doubted not but God in his good time would restore him ; whereas if once possessed by the *French*, they would be lost irrecoverably. As to our particular Interest in this Affair, no greater Calamity could have befallen us than such a Transaction with *France*. Then indeed we had been undone for ever. But having an intire Confidence in His Majesty's Honour and declared Affection for us, it never entered into our Thoughts that he would pledge or sell us to our old Enemies, and purchase their Assistance at the Price of our Ruin ; and so were exempt of those Fears and Apprehensions which disturbed Others, conscious of their Guilt and Demerits towards him.

We were now fallen under the Arbitrary Rule of Tyrants;

(*) *History of the Rebellion, Vol. III. Part II. page 465. This, with other Passages from that excellent History, could not be taken into the first Edition of my Book, which came out some Years before Lord Clarendon's was published.*

whose *little Finger* we found heavier than the *Loins* of our rightful Kings ; witness the Sequestrations, Compositions for Estates (*) (59), disqualifying for Offices, imposing of sinful Oaths and Engagements, and other Vexations, which followed upon our being made their Conquest, or rather their Prey. *Haines* sought out those who were reputed to have Money, and kept them in arrest, till he had extorted a Ransom from them (†). Five thousand Soldiers were put at Free Quarters ‡ upon the Country, and left without Check or Controul to commit the greatest Insolencies (60). Who being a frantick Herd of Sectaries of all sorts, vented with full Licence their fanatical Rage, (which they called Zeal) against the Established Religion (§), turning the Churches into Guard-houses and Stables, abusing them in a manner yet more indecent and unfit to be named, spilling on the Ground the water designed for the Baptism of Infants, disturbing the Publick Assemblies, and invading the Pulpits, with other Profanations and Impieties, very shocking to the good People of this Island, who had been bred in a becoming Reverence for the sacred Institutions of Christianity, trampled upon by those Hypocrites.

His Majesty being restored to his Kingdoms, was pleased to remember the Services and sufferings of his Subjects of JERSEY, and as he conferred many Marks of his Royal Favour on Sir *George de Carteret*, whom he brought near his Person, made him Vice-Chamberlain of his Household, and one of his Privy Council (61) ; so he ever expressed the greatest Kindness for the Inhabitants ; taking them into his special Protection, and interposing betwixt them and every Attempt made to infringe their Privileges, or bring any hardship upon them. And that by means of something durable and lasting, Posterity might be apprized, as of our constant Attachment both to his blessed Father and him,

(*) Ordered, That the Commissioners for compounding, do send some to sequester the Estates of those in JERSEY. Whitlock ad. an. 1651, Jan. 3.

(†) Relation MSS. ut sup.

(‡) During some Months.

(§) The same with the Church of England.

so of his singular Affection for us, he presented the Bailly and Magistrates with a large silver gilt Mace (*) (62), having engraven on it by his Order an Inscription which we value and hold more precious than the Gift itself, though that be very considerable. For it bears an honourable Testimony of our Fidelity, and particularly recites how His Majesty had twice found *tutum receptum*, i. e. a safe retreat in this Island, *dum cæteris ditionibus excluderetur*, i. e. when he was excluded from his other Dominions. The Inscription is in the *Appendix*, Number II. In time of war and Danger, he had a watchful Eye to our Safety, of which let this Instance suffice. During his Abode with us; he had observed a Defect in *Elizabeth Castle*; which was, that betwixt the *Lower Ward* and the *Fort* called by his Name, there remained a long narrow Neck of Land open and without Defence, except from the Fire of the next Rampart. Here His Majesty apprehended an Enemy might possibly, in case of a Siege, lodge and entrench himself. Therefore at breaking out of the War with *France* in the Year 1665, he caused the same to be strongly walled in, and mounted with Ordnance, and thereby gave the Castle all the Perfection it seems capable to have, because no room is left for an addition of New Works, unless by laying the Foundation of them in the Sea, which at every Half Flood surrounds and shuts the Place in on every Side. This did his Majesty in great Goodness, and at no small Charge, for our better Security against the *French*, by whom we were then threatned.

King JAMES II. has been handled so severely, and his Miscarriages so aggravated, by Writers of all sorts, that I hold it ungenerous to run with them in the same Cry against him. Of him therefore, and his short and unfortunate Reign, I shall only say thus much, and less cannot be said; That as in *England* he had determined to bring in Popery by a Popish Army, so in this Island by a Popish Garrison. He sent us early a Commander of that Religion, with a

(*) 'Tis carried before them at the Meeting of the States, and on other solemn Occasions.

Priest to prepare the way for it ; and *Elizabeth Castle* began to fill with Soldiers of the same Principles or of no principles at all, who would have served the Purpose as well. When the unhappy Prince left the Kingdom, and withdrew into *France*, those Men had that important Fortress wholly in their keeping ; and might think they could answer their Master's Intentions no way better, than by delivering it up to that Power unto which he himself had fled for Refuge. Here was Cause sufficient to make us uneasy. - But it pleased God to inspire our Magistrates with such Wisdom and Force of Persuasion, that in some Conferences with the Commander, they prevailed with him to admit the Inhabitants to mount the Guard in the Castle by equal proportions with the Garrison. This abated of our Fears, as it lessened our Danger ; and left us to wait the Issue of the publick Counsels and Deliberations in *England* for settling the Government, which ended in placing on the Throne the Prince and Princess of *Orange*, by the Name of (63)

King WILLIAM and Queen MARY. In this great Change we rested and acquiesced. For though we could not comply with the Seditious Practices of *Forty-One*, and rather chose to stand the fury of a powerful armed Faction, which bore us down at last, as has been seen ; we were not so dull as not to know how to distinguish betwixt a flagrant *Rebellion*, that tore up Foundations, and opened a Scene of Blood and all manner of Iniquity ; betwixt That, I say, and a *Revolution* manifestly tending to preserve to us the two most valuable Things in the World, True Religion and Civil Liberty ; albeit some, with no good Design, have drawn odious Parallels, and laboured to find a resemblance of one to the other. In the *Introduction*, mention is made of an Address to their Majesties, to which, in as much as it testifies our willing Subjection to the Royal Pair, our Joint Sovereigns, it may not be improper to give a Place here (64).

TO THE KING'S AND QUEEN'S MOST
EXCELLENT MAJESTIES.

*The humble Address of the STATES of Your Majesties
Island of JERSEY.*

May it please Your Majesties,

WE acknowledge Your Majesties great Goodness in giving us access to Your Royal Presence, and leave to lay this Address at Your Feet. We are the Representatives of a People, who, though distinguished from others of Your Majesties Lieges in Language and peculiar Customs, concur with them in the common Interest of Your Kingdoms, and yield to none in Zeal and Affection to Your Majesties Sacred Persons and Government. We are Your Majesties ancient Subjects, the remainder of that goodly Patrimony which Your renowned Progenitors once possessed on the Continent; rescued from the unhappy Fate of the rest, by that great care which they, in all their Wars with France, ever took for the Preservation of this important Place; extending upon all exigencies their Protection to us, and constantly supplying us with every thing requisite for our Defence: Which, by the Blessing of God, has had such Success, that though our Situation exposes us to those formidable Neighbours, who, in the course of above six hundred Years, have often formed Designs against us, and actually invaded us, they have been as often repulsed; insomuch that after the Revolution of so many ages, (wherein whole Kingdoms have been torn asunder, and divided from each other) we have still, at this day, the happiness of remaining united, as at the first, to the rest of Your Majesties Dominions. We humbly conceive this Island to be no less important to Your Majesties now, than when it was thought so by Your Royal Predecessors. The known Endeavours of the French for some Years to increase their Naval Power, with their late bold entering the Channel, and disputing to Your Majesties the Empire of the Sea, sufficiently

point out the Mischief and Danger threatenng Your Realms, should they become Masters of this and the adjoyning Islands. In this Conjuncture we think it our duty to assure Your Majesties, that (with the Divine Assistance) we will defend this Place to the utmost for Your Majesties Service, and that we wish to be no longer than we are Your Majesties Subjects. Hoping Your Majesties will believe, that though our Tongues be French, our hearts and Swords are truly English. The two last are intirely Your Majesties, and the first are employed in nothing more than in celebrating Your Majesties great Virtues and just Praises; and in beseeching Almighty God, who has so wonderfully placed You on the Throne, and by so many Miracles of his Providence has hitherto preserved You thereon, to continue his powerful Protection over You, to go out with Your Fleets and Armies, and to complete that Great Work for which he has so evidently designed You; which is to raise the Glory and Reputation of this Nation, to put a Stop to the boundless Ambition of the unjust Disturber of the Quiet of Christendom, and to procure a safe and lasting Peace to Europe. We are

May it please Your Majesties,
Your Majesties most faithful
and most Loyal Subjects, &c.

I cannot better conclude this History, than with some of those remarkable Testimonies which our Kings have given of our Loyalty and Zeal for their Service, in the many Charters by them granted to the Inhabitants of this Island, and I shall begin with that of *Edward III.*

ÉDOARDUS Dei Gratiâ Rex
Angliæ, & Franciæ; ac Do-
minus *Hiberniæ*, Omnibus
ad quos Præsentes Litteræ
pervenerint, Salutem--Sciatis
—quod nos gratâ memoriâ
recensentes, quàm constanter,
& magnanimitèr, dilecti &
fidelès Homines Insularum
Nostrarum de JERESEY,

EDWARD by the Grace of
God King of *England*, and
France, and Lord of *Ireland*,
To all to whom these Presents
shall come, Greeting—Know
ye--that we remembering with
Pleasure, how constantly and
courageously; our faithful and
beloved Subjects; the Inha-
bitants of our Islands of

Guerneseye, Sark, et Aureney, in Fidelitate nostrâ, & Progenitorum nostrorum Regum *Angliæ*, semper hactenùs perstiterunt, & quanta, pro Salvatione dictarum Insularum, & nostrorum Conservatione Jurium & Honoris ibidem, sustinuerunt tam Pericula Corporum, quàm suarum dispendia Facultatum, ac proinde volentes ipsos favore prosequi gratioso, Concessimus, &c.

I shall next mention that of the Inhabitants did the good Service of recovering *Mont-Orgueil* Castle from the *French* who had surprized it.

EDOARDUS Dei Gratiâ Rex *Angliæ, & Franciæ, & Dominus Hiberniæ*, Omnibus ad puos Præsentes Litteræ pervenerint, Salutem, Cum Nobilissimus Progenitor noster inclytæ Memorïæ *Richardus*, quondam Rex *Angliæ, Franciæ, & Dominus Hiberniæ*, post Conquestum *Secundus*, per Litteras suas Patentis, datas apud *Westmonasterium* octavo die *Julii*, anno Regni sui decimo octavo, in consideratione Benigestûs, & magnæ Fidelitatis, quos in Ligeis & Fidelibus suis Gentibus & Communitatibus Insularum suarum de *JERESYE, Guerneseye, Sark, & Aureney*, indies invenit, de gratiâ suâ speciali concessit pro se & haeredibus suis, quantùm in eo fuit, eisdem Gentibus & Communitatibus suis, quod ipsi et Successores sui in perpetuùm,

JERESYE, Guerneseye, Sark, and Aureney, have always hitherto continued Faithful to Us, and our Ancestors, the Kings of *England*, and how many Dangers they have undergone, and what great Charges been put to, for the Defence of the said Islands, and for the Preservation of our Rights and Dignity therein: Being therefore willing to honour them with our gracious Favour, We have granted, &c.

Edward IV, in whose time

EDWARD by the Grace of God King of *England* and *France*, and Lord of *Ireland*, To all to whom these Presents shall come, Greeting. Whereas our noble Progenitor of famous Memory, *Richard*, late King of *England*, and *France*, and Lord of *Ireland*, the Second after the Conquest, by his letters Patents, dated at *Westminster* the eight Day of *July*, in the eighteenth Year of his Reign, in consideration of the laudable Behaviour, and remarkable Fidelity, which he always found in his Liege and Faithful Subjects, the People and Communities of his Islands of *JERESY, Guerneseye, Sark, and Aureney*, did, of his special Grace grant for himself and his Heirs, as much as in him lay, to the said People and Communities, that they and their

forent liberi & quieti, in Omnibus Civitatibus, Villis Mercatoriis, et Portibus infra Regnum nostrum *Angliae*, de omnimodis Theloniis Exactionibus, Custumis, taliter et eodem modo quo Fideles Ligei sui in suo regno praedicto extiterunt; Ita quod dictae Gentes et Communitates suae, et Haeredes, et Successores sui praedicti, bene et fideliter se gerent erga ipsum Progenitorem nostrum, et Haeredes et Successores suos in perpetuum, prout in Literis illis plenius continetur; Nos continuam Fidelitatem Gentis et Communitatis dictae Insulae de *JERESY* plenius intendentes, Literas praedictas, et omnia et singula in eis contenta quoad Gentem et Communitatem ejusdem Insulae de *JERESY*, acceptamus, approbamus, et eidem Genti et Communitati, Haeredibus et Successoribus suis, per Praesentes ratificamus et confirmamus. Et ulterius nos Memoriae reducentes, quam validè, viriliter, et constanter, dictae Gens et Communitas ejusdem Insulae de *JERESY* Nobis et Progenitoribus nostris perstiterunt, et quanta Perichla et Perdita pro Salvatione ejusdem Insulae, et Reductione Castri nostri de *Mont-Orgueil* sustinuerunt, de uberiori Gratiâ nostrâ concessimus, &c.

Successors for ever, should be free and exempt, in All Cities, Market-Towns, and Ports within our Realm of *England*, from all manner of Tolls, Exactions, Customs; so and in the same manner as are his Faithful Subjects in his said Realm; Provided, and upon Condition, that the said People and communities; and their Heirs, and Successors as aforesaid, did behave well and faithfully towards Him our said Predecessor; and his Heirs and Successors for ever, as in the foresaid Letters appears more at large; WE considering farther the continual Fidelity of the People and Community of the said Island of *Jeresev*, do receive and approve the foresaid Letters, and all and every thing in them contained, relating to the People and Community of the said Isle of *Jeresev*, and the same, to the said People and Community, their Heirs and Successors, do by these Presents ratify, and confirm. And We moreover calling to mind, how valiantly, couragiously, and constantly, the said People and Community of the foresaid Island of *Jeresev* have adhered to Us and our Ancestors, and how many Dangers and Losses they have sustained for the Defence of the said Island, and the *Recovery* of our Castle of *Mont-Orgueil*, have of our abundant Grace granted, &c.

Queen ELIZABETH'S Charter begins thus.

ELIZABETH Dei Gratiâ, &c. Quùm Dilecti & Fideles Ligei & Subditi nostri, *Bailivus* & *Jurati* Insulæ nostræ de JERESEY, ac cæteri Incolæ, & Habitatores ipsius Insulæ, infrâ Ducatum nostrum *Normanniae* & Predecessores eorum, a tempore cujus contrarii Memoria hominum non existit per speciales Chartas, Concessioniones, Confirmationes, & Amplissima Diplomata, illustrium Progenitorum ac Antecessorum nostrorum tam Regum *Angliae*, quàm Ducum *Normanniae*, ac aliorum, quamplurimis Juribus, Jurisdictionibus, Privilegiis, Immunitatibus, Libertatibus, & Franchisiis, liberè, quietè, & inviolabiliter usi, freti, ac gavisii fuerunt, tam infrâ Regnum nostrum *Angliae*, quàm alibi infrâ Dominia & Loca Ditioni nostræ subjecta, ultra citràque Mare, quorum ope & beneficio, Insulæ præ-nominatæ, ac Loca Maritima prædicta, in fide, obedientiâ, & servitio tam Nostri quàm eorundem Progenitorum nostrorum, constanter, fideliter, et inculpatè perstiterunt, et perseveraverunt, liberaque Commercia cum Mercatoribus, et aliis Indigenis ac Alienigenis, tam Pacis quàm Belli Temporibus habuerunt et exercuerunt, &c. Quae omnia et singula cujus et quanti Momenti sint et fuerunt ad Tutelam et Conser-

ELIZABETH by the Grace of God, &c. Whereas our Faithful and Beloved Lieges and Subjects, the *Bailly* and *Jurats* of our Isle of JERESEY, and other Inhabitants of the same, within our Dutchy of *Normandy*, and their Predecessors, have from Time immemorial, by special Charters, Concessions, Confirmations, and very large Grants, of our illustrious Ancestors and Predecessors, as well Kings of *England*, as Dukes of *Normandy*, and others, possessed and enjoyed freely, quietly, and without molestation, several Rights, Jurisdctions, Privileges, Immunities, Liberties, and Franchises, as well within our Realm of *England*, as elsewhere within the Dominions and Places subject to our Government, on this side and beyond the Sea, by which means, the forementioned Islands, & Maritime Places, have constantly, faithfully, and unblameably, continued, and persevered, in their Duty, Service, and Obedience, as well to Us as our foresaid Ancestors, and have had the Benefit of a free Trade with Merchants and others, Natives and Foreigners, as well in Times of War as of Peace, &c. We therefore, duly considering, how necessary all these things, and each of them, are, and have been, for the Maintenance and Preser-

vationem Insularum et Locorum maritimorum praedictorum, in Fide et Obedientiâ Coronae nostrae *Angliae*, Nos, ut aequum est, perpendentes : Neque non immemores quàm fortiter et fideliter, Insularii praedicti, ac caeteri Incolae et Habitatores ibidem, Nobis et Progenitoribus nostris inservierunt, quantaque Detrimenta, Damna, et Pericula, tam pro assiduâ Tuitione ejusdem Insulae et Loci, quàm pro recuperatione et Defensione Castri nostri de *Mont-Orgueil* infra praedictam Insulam nostram de *JERSEY*, sustinuerunt, indiésque, sustinent : non solùm ut Regia nostra Benevolentia, favor et affectus erga praefatos Insularios illustri aliquo nostrae Beneficentiae Testimonio, ac certis indiciis comprobetur ; verum etiàm ut ipsi, et eorum Posteritatem deinceps in perpetuùm, prout antea, solitam et debitam Obedientiam erga Nos, Haeredes, et Successores nostros teneant et inviolabiliter observent has Litteras nostras Patentis, Magno Sigillo *Angliae* roboratas, in formâ quae sequitur, illis concedere dignati sumus. Sciatis, &c.

vation of the foresaid Islands and Maritime Places, in their Duty and Obedience to our Crown of *England* : And withal remembering, how valiantly, and faithfully, the foresaid Islanders, & others, Inhabitants of the same, have served Us and our Progenitors, and how many Losses, Damages, and Dangers, they have sustained, and do still daily sustain, as well for the continual Defence of the foresaid Island and Place, as for the Recovery and Defence of our Castle of *Mont-Orgueil* within our foresaid Island of *JERSEY* : To the end, that not only our Royal Benevolence, Favour, and Affection towards the foresaid Islanders, may be manifested by some remarkable Testimony, and evident Proof ; but that also They, and their Posterity may hereafter for ever, as they have done hitherto, retain and inviolably observe their usual and due Obedience towards Us, our Heirs, and Successors, we have thought fit to grant unto them these our Letters Patents, under the Great Seal of *England*, in the form and manner following: Know ye, &c.

Here followeth the Preamble of a Commission under the Great Seal, directed to Sir *Robert Gardiner* and Dr. *James Hussey* who were sent to *JERSEY* in the Time of King *James I*, with the Character of *Commissioners-Royal*, upon a particular Occasion.

JAMES by the Grace of God, King of England &c. To our trusty and well-beloved Sir *Robert Gardiner* Knight,

and James Hussey Doctor of the Civil Law, and one of the Masters of our Court of Chancery, Greeting. Whereas in our Princely Care, and earnest desire for the Establishment and Maintenance of Justice, and for the Security and Wealth of our Subjects generally in our Realms and Dominions, we have been very mindful of the good Estate of our loving Subjects, the Inhabitants of our Isles of Jersey and Guernezey, and other their Dependances, a Portion remaining as yet unto us in Possession of our ancient Dukedom of Normandy; and have been and are the rather moved thereunto, both for their entire and inviolate Fidelity borne by them towards us, and our Predecessors Kings and Queens of this Realm of England, testified and declared by many their worthy and acceptable Services towards this our said Crown; and also in respect of their Situation furthest remote from the rest of our said Dominions, and for that Cause needing our special Care and Regard to be had of them, being thereby exposed to Danger, of an Invasion or Incursion of Foreign Enemies; And whereas we are informed &c.—For these Causes, Know therefore that we have nominated you to be our Commissioners, &c. (65)

Let me only add this notable Passage of that great Oracle of the English Law, the Lord Chief Justice Coke (*). The Isles of Jersey and Garnsey did of ancient time belong to the Dutchy of Normandy; but when King Henry I, had overthrown his elder brother Robert Duke of Normandy, he did unite to the Kingdom of England perpetually the Dutchy of Normandy, together with these Isles. And albeit King John lost the Possession of Normandy, and King Henry III. took Money for it, yet the Inhabitants of these Isles with great constancy remained, and so to this Day, do remain, true and faithful to the Crown of England. And the Possession of these Islands (being Parcel of the Dutchy of Normandy) are a Good Seisin for the King of England of the whole Dutchy.

(*) Part IV, of the Instit. Chap. lxx. page 286.

CHAPTER II.

Description of the Island.

THE Coasts of *Normandy* and *Bretagne* Provinces of *France* meet in almost a Right Angle, and form a Spacious Golf or Bay, which takes its Name from *Mont-Saint-Michel*, a famous Abbey of *Benedictins* seated at the bottom or inmost recess of it. In this great Bay, betwixt *Cap de la Hague* in *Normandy*, and *Cap de Frehelle* in *Bretagne*, the Islands of *Jersey*, *Guernezey*, and the rest, lie as it were in a cluster, yet at reasonable Distances from each other (*); and nearer to *Normandy* than to *Bretagne*. *Jersey* is the farthest within the Bay, as *Guernezey* lies more without, towards the *British Channel*. From *Jersey* to *Carteret* or *Port bail* in *Normandy* the Traject is about six Leagues, and the Land being very high on both sides, Churches and Houses may be discerned from either Coast (66)

Latter Observations place *Jersey* in Forty-Nine Degrees ten Minutes of North-Latitude, and Two Degrees twenty Minutes of West-Longitude from the Meridian of *London*.

In Length it exceeds not twelve Miles. The Breadth, where it is broadest (*viz.* at the two Extremities, for in the middle it is narrower) is betwixt six and seven.

The Figure resembles an Oblong Square, or Parallelogram, the longest Sides whereof are the North and South, the narrowest the East and West. The North Side is exceedingly raised, and looks down on the Sea below, from Cliffs of forty and fifty Fathoms perpendicular height, which renders the Island generally inaccessible on that Side. The South Side is much lower, and in some Places level as it were with the Sea.

(*) Thus, the Distance betwixt **JERSEY** and *Sark* is four Leagues, betwixt the same and *Guernezey* seven Leagues, betwixt the same again and *Alderney* nine Leagues. This is the common Computation.

I cannot better compare it than to a broad Wedge, or to a Right angled Triangle; the *Basis* whereof may be supposed to be the Sea; the *Cathetus*, those high and craggy Cliffs which it has on the North; and the *Hypotenusa*, the Surface of the Island which declines and falls gently from North to South.

It receives two great Benefits from this Situation. The *First* is that those Rivulets (for I cannot call them Rivers) with which this Island abounds, do by this means run further, and receive a greater increase and accession of Waters (whereby they become strong enough to turn forty Mills (*) that supply the whole Country) than they would do, should the Island rise in the middle, and all the Streams by an equal course descend on every Side to the Sea. This consideration would be of no great Moment to a larger Country, but is of unexpressible Use and Advantage to so small an Island. The *Second* Benefit which we receive from this Situation, is, that by this Declivity of the Land from North to South, the Beams of the Sun fall more directly and perpendicularly thereon, than if either the Surface was level, and parallel to the Sea, or, which is worse, Declined from South to North, as it does in *Guernezey*. For there, by an odd Opposition to *Jersey*, the Land is high on the South, and low on the North; which causes, if I may so speak, a double Obliquity; the one from the Position of the Sun itself, especially in time of the Winter Solstice; the other from the Situation of the Land; and is probably the Reason of the great difference observed in the Qualities of Soil and, Air in both Islands (67).

This Declivity of *Jersey* is not a smooth and even Declivity, as some might think. The Surface is extremely broken and unequal, rising and falling almost perpetually. For as on the North, it is an entire Hill, with few and short Vales, so on the South, South-East, and South-West, it is cut into sundry fruitful Valleys, narrow at the Beginning, but growing wider as they draw still nearer and nearer to the Sea, where they end in several Flats, of good Meadows and

(*) Viz. 33 Corn-Mills, and 7 Fulling-Mills; there are also 3 Wind-Mills in convenient Places (68).

Pastures. Mr. *Poingdestre* thought that this unevenness and inequality of the Surface added much to the Quantity and Proportion of the Ground, and that the Island was so much the more capacious and productive, by how much the more the Surface was expanded, rising with the Hills, and descending with the Valleys. But herein I must take the liberty to depart from so great a Man. It being demonstrable, that a Country that is exactly level, will contain as many Houses and Inhabitants, will produce as many Trees, Plants, &c. as another Country, whose Surface is as uneven and unequal as can be, but whose Basis or Plane is no more than equal to the other. Therefore the true Dimension of any Country is not to be taken from those Gibbosities that swell the Surface in one Place, or those Profundities that depress it in another, but from the true Basis or Plane of that Country (68).

The nature of the Soil admits of great variety, which proceeds from this difference of higher and lower Grounds. The higher Grounds are gritty and gravelly, some stony and rocky (69), but others of a fine and sweet Mould. The lower are deep, heavy, and rich. Generally there is little barren Ground in the whole Island, almost none but what is capable of receiving some profitable Culture, and recompensing one way or other the Pains of the labouring Husbandman.

We must except a pretty large Tract of once excellent Lands in the West of the Island, which within these two hundred and fifty Years have been so over-run with Sands, that the Country on that side bears the Image of a Desert. This is said to have happened by Divine Vengeance (*) on the Owners of those Lands for detaining the Goods of

(*) *In Insulâ JERSEY solum fuit fecundissimum, quod Canvetos appellant, in Parochiâ Sancti Brelardi. Nemo se satis divitem in Insulâ putabat, nisi illic prædium haberet. Contigit An Dom. circiter 1495, quod quinque Hispanicæ naves illic fecerunt mediâ hyeme naufragium, ad Festum Cath. Quatuor naves aquis obrutæ. Quinta ad Littus perjecta homines (præter unum) servat incolumes. Reliqui omnes absorpti. Insulani diripuerunt eorum ficus, viña, merces, & bona. Nec potuerunt Monitoriis, etiam & Anathematibus, res recuperare. Factum tandem, ultione Divinâ, ut Insulâ arenâ sive sabulo, quod erat eâ parte ab Occidente in medio maris, ventis perflata fuerit, & universam illam agrorum fecunditatem vastaverit. Nunc Canvetos vocant. Ex MSS. Philippi de Carteret, Eq. aur. Dom. de S. Audeno, &c.*

Strangers that had been shipwrackt on that Coast, though injoined by the highest Censures of the Church to restore them. There must be from time to time such publick Examples of Divine Justice among Men, that *the Inhabitants of the Earth may learn Righteousness*. And yet I confess, it might be also the Effect of a Cause not preternatural. I mean, of those high Westerly Winds that blow here at almost all Seasons of the Year, and on this side of the Island are daily seen to drive the Sands from the bottom to the top of the highest Cliffs (70).

The Island produces all kinds of Forest and Fruit-Trees, Shrubs, Roots, Flowers, and Herbs (whether medicinal (*), aromatic, or esculent) all kinds of Pulse and Corn, as do grow in *England*, the Wheat of a smaller Size. One sort of Wheat we have, unknown (if I mistake not) in *England*, called in the Language of the Country *Froment trémais*, [*Fruentum trimestre*] because it is but three Months in the Earth, being sown about the latter end of *March*, and all *April* long. Since the great increase of Cider, and the Inclination of the People to that Liquor preferably to Beer, so little Malt is made in the Island, that it would scarce be worth while to sow any Barley at all, were it not converted to Bread (†). Of itself Barley makes but a coarse Bread, yet wholesome and nourishing, and that is the Bread of Servants and meaner People with us. But a due mixture of Wheat corrects that Coarseness, and such Bread is eaten by many of the better Sort, who at the same time are not without good Wheaten Bread in their Houses (71).

When Dr. *Heylin* came into this Island, he found the People more addicted to Tillage and Husbandry, than to Manufactures and Navigation; and accordingly in his

(*) *Mr. Poingdestre pleasantly remarks that this Island might in old Times, like some Places in Greece, have been consecrated to Æsculapius, for the Quantity and Goodness of the Medicinal Simples growing in it.*

(†) *Even in the fertile Land of Canaan Barley-bread was in common use, 2 Kings iv. 42 and seems to have been That which the Blessed Jesus and his Apostles had for their ordinary Food, as may be gathered from the Miracle of the Five Barley-Loaves, John vi 9. on which Grotius makes this Observation, Significator frugalitas Christi & Apostolorum, qui pane non nisi vili vescebantur. Annot. in Loc.*

Cosmography (*), he says, that the Island is generally very fruitful of *Corn*, whereof the Inhabitants have not only enough for themselves, but some over-plus to barter at St. Malos with the Spanish Merchants (72). The matter is much altered since the Doctor was here, and the Island does not now produce the Quantity sufficient for the Inhabitants, who must be supplied from *England*, or (in time of Peace) from *Bretagne* in *France*. They have often gone as far as *Dantzic* in the *Baltick*, invited thither by the Cheapness of the Market.

This Decay of Tillage amongst us has sprung from a Coalition of such Causes as these. 1. From the Improvement of Navigation and Foreign Commerce, which took away many hands employed before in working at the Ground, and brought us Corn from Out-landish Markets, cheaper than the Husbandman could afford it at home. 2. From the increase of the Stocking Manufacture (73), which (to speak truth) has rendered the generality of our poorer People lazy and idle, giving them an Aversion to Husbandry-work, as a more painful Occupation. 3. From the Conversion of the best Arable Lands into Gardens and Orchards, for the growth of Cider, a Commodity with which we are now over-stocked, whilst we want the more necessary Support of Life. Tho' it must be confessed that since the present War (†), which has ruined our Trade, our People sensible of their Error, and pressed by the evident Necessity of the thing, have applied themselves with more industry to an employment they had neglected, and have begun to put their Hands again to the Plough; so that we may soon grow up to a Condition of subsisting, if not wholly from ourselves, yet with a little Help from *England* (74).

I might have named another great Obstruction to Tillage; but such as can hardly now be removed. 'Tis the prodigious Augmentation of Inclosures (‡), Fences, Hedge-rows, and

(*) Lib. 1. page 197.

(†) *The War with France in King William's Reign, when this was written.*

(‡) *About 150 Years ago the Island lay pretty much open, but when the Humour of planting seized our people, they fell to inclosing, for Shelter and Security to their Fruit.*

High-waies ; which, though they add much to the Beauty and perhaps Strength of the Island, yet hold they no Proportion to the Bigness of it, and waste a great deal of good Land that might be turned to better Account. For I verily believe, that these which I have mention'd, together with the Gardens and Orchards, the Situation, Avenues, and Issues of Houses, take up very near one Third of the whole Island (75). One is not to imagine such low Fences here as in *England*, but great Bulwarks of Earth (for so I think I may properly enough call them) raised, with much Labour and Expence, six and eight Foot high, sometimes more, answerably thick and solid, planted with Quick-sets or Timber-trees, many of them faced with Stone to a competent height, as you see the outside of a Rampart in a Fortification. And for such they would serve against a prevailing Enemy, to whom we might dispute every Field. But still, I say, they are attended with this Inconvenience, that they are too much multiplied, and take up too much Ground, in a Country where there is already little enough in proportion to the Inhabitants.

These Inclosures are great Enemies to the Pleasure and Diversion of Gentlemen, who cannot well hunt, especially on Horse-back, unless about the Sea-Coasts, where a few of the worst Lands remain open, or inclosed with low Fences.

Having mentioned the many High-waies, as great wasters of the Ground, I shall add, that there are Three Sorts of them in this Island. 1. *Le Chemin du Roy*, i. e. they King's High-way, which is to be twelve Foot broad, besides two Foot more to each Bank or Side, in all sixteen (76). 2. *Le Chemin de huit pieds*, i. e. the Eight-foot way, of eight Foot in the middle, and four by the Sides, in all twelve. 3. *Le Chemin de quatre pieds*, i. e. the Four-foot way, like the Roman *Actus*, serving only for Carriages on Horse-back. Over all these there are in each *Vintaine*, or Tything, particular Officers appointed to inspect them ; and yearly about Midsummer, there is a Perambulation of the Magistrates, in one or more of the Parishes, to inquire in what repair those Waies are kept, which is performed very solemnly.

The Constable of the Parish where the Perambulation is to be, takes with him twelve of the principal Men of his Parish and meets the Judge attended by three or more of the Jurats on Horse-back ; before whom rides the Viscount or Sheriff, with his Staff of Office erected, one End on the Pommel of his Saddle. In ancient times it was *cum Lanceâ*, with a *Launce*. He keeps the middle of the way, the Constable with the twelve Men walking on foot by his side ; and when his Staff encounters with a Bough or Branch hanging over the way, the Owner of the Hedge is fined ; but if the Fault be in the Bottom of the way, not the Party bordering, but the Overseers for that *Vintaine* are amerced.

We had anciently another way, of very different Use, called *Perquage*, from the Latin *Pertica*, because it was exactly four and twenty foot broad, which is the Measure of a Perch. There were but Twelve of them in the whole Island, beginning one at every Church, and from thence leading strait to the Sea. The Use of them was to conduct thither those who for some capital Crime had taken Sanctuary in any of the Churches, and had been sentenced to abjure the Country, according to an ancient Practice amongst us. Having abjured, they were led by the Churchman along those *Perquages* to the Sea, which *Perquages* were still a Sanctuary to them. If they strayed never so little, they lost the Benefit of the Sanctuary, and became liable to be seized and suffer the Penalty of the Law (77). These *Perquages* may be ranked among the Singularities of this Island, but the Reformation which abolished Sanctuaries, abolished these also. They then fell to the Crown as wastes, and were granted by King *Charles II.* to Sir *Edward de Carteret*, who for a yearly Rent parcelled them out to those who had Lands bordering upon them.

We have in JERSEY, a Method of Agriculture differing in sundry particulars from that of *England*. But so in *England* itself, the way of managing Land, is not every where alike. I shall Mention one thing only relating to that Subject, which Mr. *Camden*, in describing this Island, did not think below his Notice. 'Tis, that Nature having denied us

the Benefit of Chalk, Lime, and Marle, (78) has supplied us with what fully answers the End of them in Husbandry. It is a Sea-weed, but a Weed more valuable to us than the choicest Plant cultivated in our Gardens. We call it *Vraic*, in ancient Records *Veriscum* and *Wreccum*, and grows plentifully on the Rocks about the Island. 'Tis gathered only at certain times appointed by the Magistrate, and notified to the People by the public Cryer on a Market-day (79). There are two Seasons of cutting it, the one in Summer, the other about the Vernal Equinox. The *Summer Vraic*, being first well dried by the Sun on the Shore, serves for Kitchen-fuel in Country-houses, and makes a hot glowing Fire; and the ashes, which are carefully preserved, serve for Manure. We hold them equivalent to a like Quantity of Lime. The *Winter-Vraic* being spread on the Green Swerd, and after buried in the Furrows by the plough, 'tis incredible how with its fat unctuous Substance it meliorates and fertilizes the earth, imbibing itself into it, softening the Clod, and keeping the Root of the Corn moist during the most parching Heats of Summer (*) (80). In stormy weather, the sea does often tear up from the rocks vast Quantities of this useful Weed, and casts it on the Shore, where the glad Husbandman gathers it, and proper Officers attend to see it distributed in just Proportions.

The Genius of the soil is naturally much inclined to Wood, and the Humour of the People suits with the Genius of their Soil (81). The whole Island, especially the more inland Part, is so thick planted, that to one who takes a Prospect of it from some higher Ground, it looks like an entire and continued Forest; though in walking through it, not a Wood, hardly a Thicket or Coppice, is to be seen, but many Hedge-rows and Orchards. Nothing can be imagined more delightful than the face of the Island, when the Trees set along the Highways, and in the Avenues of Houses, are covered with Verdure, and the Orchards are full of Blossoms. For as the one affords a Pleasant Shade, so the others:

(*) In the Isles of *Feroe* belonging to *Denmark* they practise the same dressing with *Vraic*. See the Description of those Isles by *Lucas Jacobson Debes*, *Provost of the Churches there*.

recreate the Eye, and perfume the Air with a sweet Fragrancy. But still it must be confessed, that so much Shade is prejudicial to the Growth of Corn and Pasture (82). Though we have much Wood, we are not so well stored with good and large Timber. The Cause whereof, is, that trees with us planted for Timber, are once in seven or eight Years pruned to the very top, which keeps them slender, and makes the Timber knotty ; the Husbandman being forced to this Course, not merely for the sake of Fewel, but to prevent his little Plots and Inclosures from being over-spread by the two luxuriant Branches. And yet even such Timber serves well enough for all common Uses, and here and there Sticks are found fit for the building of good Ships.

The Ordinary Drink of this Island is Cider, an ancient Liquor, being mentioned both by *Tertullian* and *St. Augustin*. This last, writing against the *Manichees*, who objected to the *Catholicks* their drinking Wine, whereas themselves abstained wholly from it, answers, not by denying the Fact, but by retorting upon those Hereticks, that though it was true they drank no Wine, they would take down very freely *nonnullorum pomorum expressos succos, vini speciem satis imitantes, atque id etiam suavitate vincentes* (*), that is to say, a Liquor drawn from Apples, very much like Wine, and even exceeding it in sweetness. And the former speaks of Apples, of which he and other *Montanists*, would not so much as taste in their *Xerophagias*, by reason of the too generous and vinous Juice of that Fruit, *ne quid vinositatis, vel edamus vel potemus* (†). From which Passages of the two *African Fathers*, Cardinal *du Perron* (who by the way was born in JERSEY (‡) of Protestant Parents) infers that Cider was first known in *Africa* ; and thence brought early into

(*) *De moribus Manichæorum*, Cap. xiii.

(†) *De jejuniis adversus Psychicos*, Cap. i.

(‡) I must retract so much of this Parenthesis, as affirms the Birth of the Cardinal to have been in this Island. The matter stands thus. His Father, a Gentleman of Normandy, and Minister among the Reformed, to avoid the Persecutions in France, fled hither with his Family, and here abode some Years. The Cardinal was then so young, that I was unwarily led into the Error of supposing him born amongst us. How he came to apostatize afterwards, is nothing to our Purpose.

Biscay (*), a Province of *Spain* unfriendly to the Vine ; which being the very Case of *Normandy*, Cider in after-time made its way thither also (†). The same Account of the Progress of this Drink is given by the learned *Huet*, Bishop of *Avranches*, in his *Origines de Caen* (‡), where more Authorities are cited to support that Argument. From *Normandy*, Cider easily got into this Island.

I do not think there is any Country in the World that (on the same Extent of Ground) produces so much Cider as *JERSEY* does, no not *Normandy* itself. Mr. *de Samaréz* his way of guessing at the Quantity throughout the Island, was, to allow one *Vergée* of Orchard, *i. e.* three quarters of an *English* Acre, to every House one with another, and two Tuns of Cider to a *Vergée*. The Houses (to make a round Sum) he computed at Three Thousand, though there were then more, and the number is since increased. So he concluded the whole Quantity to amount to Six Thousand Tuns, or Four and Twenty Thousand Hogsheads.

'Tis not to be imagined the Island should produce the same every Year. The Years alternate. A good Year is usually succeeded by a bad One. But a good Year commonly supplies us for that, and the next ensuing, beyond Use and Necessity, even to Excess and Debauchery. For this vast Quantity of Cider must be wholly consumed among ourselves, very little being exported abroad, though it be the only Product of the Island of which we have an overplus to spare (83).

Many of our Orchards are planted something in imitation of the famous *Quincunx* (§), and all of them in an Order that gives them a Beauty beyond what I have observed in *Glocester* or *Herefordshire*, where appears little Exactness

(*) 'Tis supposed by the Carthaginians, who drove a great Trade in all Parts of Spain.

(†) *Perroniana*, in voce *Cidré*, p. 56. and 206.

(‡) Chap. X.

(§) *Cùm autem admiraretur Lysànder et proceritates arborum, et directos in Quincuncem ordines, &c. Cicero de Senectute, § xvii. Quid illo Quincuncine speciosius, qui, in quancun que partem spectaveris, rectus est? Quincuntilia nus de Instit. Orat. Lib. VIII. Cap 3.*

in the Position and mutual Aspect of the Trees (84). Nor is there better, larger, and more generous Fruit, than what grows in this Island ; but we have it in such Plenty (*), that 'tis not possible we should be as nice in gathering it, and improving afterwards by Art that Sea of Liquor which is drawn from it, as others are who have less. The common Practice is to mingle all, sweet and sour, too often ripe and green, confusedly together. Such Cider, kept two or three Years, or more, in large Vessels holding several Hogsheads, becomes as strong and inebriating as Wine, which the Effect it has among our People too visibly declares. Where Gentlemen are curious for their own drinking, and cull the choicest Fruit, then rack and bottle the Cider, as is done in *England*, it yields in nothing to the celebrated *Redstreak*, or rather surpasses it, in that it has more Body (†). We find by experience that the best Fruit for eating, is not the best for Cider. We prefer the bitter-sweet to all other, but the Cider requires more time in refining.

Every House that has a plantation, though but of three or four *Vergées*, is provided with a Mill to grind the Fruit. There is first a Trough, made of six or seven great Stones strongly cemented together, and hollowed deep with the Point of the Hammer, the whole exactly circular, and of twelve or fifteen foot Diameter. In this Trough, a large and heavy Mill-stone, turned round by a Horse, stamps the Apples for a Mash. The Mash is then carried to the Press, where being very artfully piled up, the Juice is squeezed out to the quantity of four or five Hogsheads at a time. One Trough will keep two Presses going, and where there are two such in a House, there will easily be made four and twenty Hogsheads of Cider *per Week*. Those Troughs (here called *Tours*) come to us from *Chauzey*, a small *French Island* about eight or nine Leagues to the South of

(*) *Some single Trees have been known to produce a Tun, or four Hogsheads of Cider.*

(†) *Since my living in Hartfordshire, I have had some brought me from the Island, made of the Fruit growing on my little Estate there, and ordered as above, which for Colour, soft and mellow Taste, and that pleasant Flavour it retained of the Apple, was much admired by all who drank it.*

us, where is an inexhaustible Quarry of Stone of all other the fittest for this Use.

No longer ago than Queen *Mary's* Reign, there was so little Cider made in this Island, that the Inhabitants were necessitated to apply to her for leave to import yearly from *England* Custom-free five hundred Tuns of Beer for their Provision, besides one hundred and fifty Tuns more for the Garrison (85).

In older and more remote Times, our Drink was Mead. Which when made strong, and for keeping, was called *Ïittoé* (*); when weaker, and for present spending, had the Name of *Boschet*; both answering to the *Udromeli* and *Melicraton*, of the Ancients. For then the Island abounded with large and numerous Apiaries, which thrived exceedingly, but have not been so much minded since the increase of Cider. Yet to this Day *JERSEY-honey* will scarce admit of a Comparison, and in the Island itself bears more than quadruply the Price of what comes to us from *Normandy* or *Bretagne*.

Could Men be satisfied with the common Drink of Nature, Water I mean, no People in the World are better supplied with that than we. It is, in my opinion, the great Wonder of this Island, that whereas 'tis but as it were a great Rock in the midst of the Salt-Sea, it abounds, perhaps beyond any other Country under Heaven, with fresh and excellent Springs, which gush out of the stony *Strata*, and bubble up every where, running in a thousand pretty Streams along the Dales, till they lose themselves in the great receptacle of Waters, the Ocean (86). On higher Grounds, where Wells must be sunk, we seldom need go deeper than six or seven Fathoms, e're we meet with most pure and sweet Water.

Nor do we want Water for Physick, any more than for common Use. Some years ago, there was discovered in *St. Mary's* Parish (87), a Spring strongly impregnated with a Purging Mineral; to which, in proper Cases, our Sick may have recourse, instead of going as heretofore to *Dinan* in

(*). Hence the Word *Envittoûé*, formerly used to signify intoxicated.

Bretagne, to their no small Trouble and Expence, besides that the way thither was often shut up by a War. The Approbation given to this Water by Dr. *Charleton*, a learned *English* Physician, then sojourning with us, helped to put it into credit.

Though we are not so great Flesh-eaters as in *England*, our Shamble on a Market-day is well provided with good and wholesome Meat; Beef, Mutton, Lamb, &c. whose sweet and tender Flesh makes many prefer it to what is elsewhere both larger and fatter (88). This must be owing to the Shortness of our Grass, and its not having the Rankness of richer and deeper Pastures. Hence also the peculiar goodness of our Butter.

It appears from Mr. *Camden*, that in his time this Island was noted for bearing *Sheep with Four Horns* (*). But his information in this Matter seems not to have been altogether exact. For the Ewes indeed had no more than four, but the Rams had six; *viz.* three on each Side, one bending forwards in a Semicircle towards the Nose, another backwards towards the Neck, and the third standing up erect in the midst of the other two. These are no longer, or very rarely, seen. Being of the smallest kind, consequently not so profitable to the Owners, it put our People upon introducing a larger Breed from *England*, which with time, and change of Pasture, are sunk again into a less size (89).

Horses we have not many good for the Saddle, but enough for the Cart and Plough, strong tho' small, less subject to Distempers, and that will bear more fatigue, and fare harder without inconvenience; than *English* Horses. I have seldom seen any foundered and lame, so that there is but little Business here for Farriers (90).

Our constant Game is only the Hare and Rabbit (91). There are neither Bucks, Stags, Wolves, nor Foxes, in this Island; which require more spacious Countries to range in. Of fowl we have plenty of all Sorts, whether Barn-fowl, Wild-fowl, or Sea-fowl; among the latter the famous *Soland Geese*,

(* *Oves habet multas, & ex eis plurimas quatuor cornibus conspicuas. De Insul. Britan. p. 804.*

called here *Bernacles*, which come only in very cold Weather. That those Fowls are bred of a rotten Plank or Rib of a Ship, which has been long floating in the Sea, and imbibing its Salts, is the vulgar Opinion here. Many will tell you they have seen them yet sticking to the Wood; some no bigger than Mushrooms, and almost of that Shape; some a little more brought into form; others perfectly fledged, and just ready to fly. The new Philosophy which explodes, Equivocal Generations, and teaches that the smallest Insect derives it being from a Parent Male and Female, has not yet made its way amongst us. And indeed is there a Place in the World, where the most do not still believe that innumerable Creatures proceed from Corruption (92)?

The JERSEY-Partridge (*), with Pheasant's Eyes, red Legs, and Feathers of various Colours; is one of the beautifullest Birds in Nature, and has been often sent alive to Persons of Quality in *England* as a great Rarity; but the Flesh is not much better than of the common grey Partridge. The many Hedges breed and afford Shelter to an infinite Number of small Birds, who chirp it merrily all Spring and Summer long, and delight the Traveller with their pretty Melody. But the Husbandman pays dear for that Musick, for they are very destructive to his Corn and Fruit.

It were strange if an Island so situated, near a Continent and amidst Rocks and Shelves, should not be well supplied with Fish, such Places being where they most delight to haunt. And better supplied it would yet be, did our People follow the Fishing Trade as much as in *Guernezey*, where every Day of the Week Boats come in laden with fresh Provision from the Sea. It will be sufficient to mention a few of each Species. I. For Shell and Rock-Fish, besides Oysters, Lobsters (†), Crabs, and numberless more of that Tribe, we have the *Ormer*, a Fish known (I think) only hereabouts. *Ormer* (says Mr. *Poingdestre*) is a Contraction

(*) I do not mean, by calling it so, to appropriate it to ourselves. 'Tis common enough in Southern Countries.

(†) Good part of the Lobsters eaten in London come from these Islands, Boats going and coming continually for that purpose.

of *Oreille de mer* [*Auris marina*] a Name given to it because of its form, resembling the Ear of a Man, but twice as big. The Fish within the Shell is a solid Lump of white Pulp, very delicious, and coming nearest in Taste to the Flesh of Land-animals. The Shell in the inside is of the Colour and Brightness of Mother of Pearl, and has been used instead of it for inlaid Works. It has no Under-shell like the Oyster, but the Fish clings to the Rock with its back, and the Shell covers the Belly. 'Tis found only at Low-water Marks, in great Spring-Tides. 2. For Flat Fish, we have an infinite store of Rays, some with prickles, and those are the Thornbacks, others without them, large Turbots, Soles, Plaice, *etc.* all these in abundance. 3. For Scale-Fish, we have still a greater Variety. In the Spring, Base come by Shoals so near the Shore, that Cart-Loads have been taken at a Draught. But the most esteemed is the Mullet, both red and grey, and another we call *Bar*, a dainty Fish, often two foot long. The commonest and to be had at all times is the *Vrac*, a Sort of Sea-Carp. 4. For Rough-coated Fish, such as go amongst us by the Names of *Haus*, *Rousses*, &c. as they are coarsest, so are they the cheapest of all Fish, therefore bought by the meaner sort of People. But the Sea about this and adjoining Islands might be stiled the Kingdom of Congers, so great is the Quantity taken and brought to Market at all Seasons, some weighing from thirty to forty Pounds. *Otho de Grandison*, Lord (or Governor) of these Islands in the Reigns of *Edward I* and *II*, forced an Impost upon Congers salted for Transportation; and it amounted to four hundred *Livre Tournois* by the Year, at only one *Penny Tournois* for every Conger above ten Pounds Weight so salted and transported (*) (93).

My Design is not to give a complete Natural History of the Island. I might else take a Notice of diverse more, remarkable for some peculiarity or other; as the *Sirene*, or Mermaid, so called from its having Teats like a woman; the *Gronnard*, to which our Fishermen have given that Name

(*) This was an illegal Act of an arbitrary Governor, for which his Widow suffered severely in Edward the III^d's time,

by reason of the *grunting Noise* it makes, when it finds itself intangled in the Net. It is of a perfect blood-colour, with the Head almost as big as the rest of the Body. But I must not omit the *Lançon* (as much as to say a *little Lance*; because 'tis somewhat like one) which has this Property, that 'tis never found in the water, but in some moving Sand-bank left dry by the Sea at Low-ebb, and there it hides and buries itself pretty deep; till the Sand being stirred with an Iron-hook, it leaps up, and is taken by hand-falls: It was formerly a great Pastime with young People of both Sexes, in the warm Nights of *July* and *August*, to go a catching this Fish, which they called *aller au Lançon*. For the Night is best for that Sport, and the Fish glisters on the Sand. It might be prepared as an Anchove, but is usually eaten fresh, and when not kept too long, and well dressed is a very good Dish. We always thought it singular to this Place; but Mr. *Ray* tells us, that they have it also in *Cornwall*, where they call it a *Sand-eel* (*).

The Sea being so bountiful to us, we may the better be without Fresh-water Fish, of which (for want of great Rivers) we have only the Carp and the Eel, found plentifully in Gentlemen's *Viviers* or Fish-ponds, especially in the fine Canal *Samarez*. Beyond all, there is a large Pond in the West of the Island, taking up in compass about twenty Acres of Ground, and belonging to the *Seigneur de St. Oüen*, where grows a Carp of such unusual bigness, and of so excellent a taste, that 'tis hardly to be equall'd in *Europe*. Some have been brought into *England* that were three foot four inches long (94).

The only blemish and disgrace of the Island (as 'tis by some accounted) is the great multitude of Toads which swarm in it, and are chiefly seen in Summer and moist Weather. It must be owned they are no very agreeable Sight, though many of them have their Skins finely speckled and variegated 'Tis commonly said, *Poisonous as a Toad*; but where that Poison lurks, or in what manner it operates, we are yet to find. They neither bite, nor sting. They lye in

(*) Wisdom of God in the Works of the Creation. Part. I. pag. 140.

our sweet Water, and among our best Fruit when it falls on the Ground ; and 'tis not known that ever any Man received any injury from their doing so. The notion our People have of them, is, that they draw out what is noxious and impure in the Elements, and thereby contribute to health ; and this they pretend to prove by the contrary example of *Guernezey*, which will not suffer a Toad to live in it, and yet is thought not so healthy as JERSEY. However that be, these and others such unsightly Creatures, found both on the Land and in the Waters, seem wisely contrived and designed by the Almighty Creator, as foils to set off the Beauty of his other Works. As likewise we are more Southerly, and consequently warmer than *England*, so in proportion we have more of the Serpentine Kind ; but the Heat not being intense enough to exalt their Venom to any dangerous degree, we find them as harmless as the Toads. They hurt only such other Creatures as Providence has allotted for their Food. And as for those pretty green Lizards, which in a hot Summer's day are seen basking in the Sun, looking earnestly and as it were with pleasure upon a Man as he passes by, scarce flying unless they apprehend themselves to be pursued, they are an Ornament rather than a Deformity to the Island. We receive the greatest annoyance from Moles, which abound with us, to the vast detriment of Corn and Grass, but doubtless to the Benefit and Melioration of Fruit-Trees, by perforating the Ground, and giving the rain a freer passage to the Roots. 'Tis those great Banks of Earth, raised here for Fences, that afford to all these Creatures their proper *latibula*, and that increase their Breed. Were the Country as open as in other Places, we should have fewer of them(95)

The Island is (praised be God) generally healthy. And naturally it must be so, considering the height and declivity of the Land, and (in consequence of that) the rapidity of the Streams, together with those Fresh Breezes which blow almost continually from the Sea ; the Unsalubrity of any Country arising chiefly from a low Ground, and a stagnating Air and Water. Hence Men have sound and robust Bodies, and live to a good Age, if by excesses of one sort or other

they do not impair their Healths, and shorten their Days. There are Places by nature so sickly, that the Inhabitants cannot help sucking in poisonous Miasms with the Air they breathe ; but most unexcusable are those Men, who by irregular Living bring Diseases upon themselves, which are not of the growth (as I may say) of their Country. I know none such here, unless it be an Ague in *September*, after the Toil and Labour of Harvest ; to which therefore I would rather ascribe the same, than to any intemperature in the Heavens (96). Mr. *Camden* slightly mentions it ; then adds, that there was *no business here for Physicians* (*). 'Tis not so now, since the coming of the Gouts and other Distempers unknown to our more sober and virtuous Ancestors.

The Cold here in Winter is not so great as in other Parts under the same Latitude. But we are very subject to high winds, which blow mostly from the west, and against which we have no nearer shelter than the great continent of *North-America*, the next Land to us on that Side.

That vast and amazing chain of Rocks that invirons the Island, some above, others under water, some nearer, others further off, and the many strong Tides and Currents that run among those Rocks, all these render the access to us very difficult and full of hazard, except to such as are well acquainted with the Coast. That many of those Rocks were once firm Ground, which the force of the Sea has torn from the Shore, washing off the softer and looser Earth, and leaving only what it could not dissolve, is more than barely probable. For thus we are well assured, that four hundred Years ago, part of the great Bay of *St. Oûen* was a rich Vale, which the Sea has swallowed up. Not only ancient Records speak of a People inhabiting that Tract, but to this day at Low-water great Stumps of Oaks shew themselves in the Sand, with evident Marks of buildings among the Rocks (97). Thus also the Islet whereon *Elizabeth-Castle* stands, was joined to the Main-Land when *St. Ma-*

(*) *Medicis hic nullus locus.* De Insul. Britan.

gloire came hither about the Year 565 (*) (98), and I have reason to believe, so continued some hundred Years after.

As for the Tides about this and the other Islands, “ They are (says Mr. *de Samarez*,) very extraordinary, and “ differ from the rest in the *Channel*. They receive their “ Motion at the Mouth of the said *Channel*, and take “ different impressions from the several Heads of Lands, “ and Ledges of Rocks, along and thro’ which they pass. “ They tend East-South-East to the Bay of *Mont-Saint- “ Michel*, by reason of its flatness. In that bay the Sea “ flows and ebbs ordinarily from fifteen to twenty Miles, “ and fills it in the space of two Hours. When ’tis full, “ the Motion of the Tides is checkt, and they are conveyed “ Northwards along the Coast of *Normandy*, and so in “ twelve Hours quite round the Islands. The Currents “ succeed so one another, that there is no Still-Water here, “ as in the *Channel* at Low-ebb.

The Island is divided into Twelve Parishes, so laid out that all have Communication more or less with the Sea. *St. Saviour* has the least. This seems to have been done for the sake of the *Perquages*, those Sanctuaries to Criminals described above. The Parishes are again subdivided into *Vintainès*, so called from the Number of Twenty Houses which each such Subdivision is supposed to have anciently contained, as in *England* Ten Houses made a Tything. Though the name remains, some *Vintainès* have now more than three or four times the Original Number, and in that respect, though not in extent of Ground, exceed many Parishes in other Countries. In *St. Oûen* they are called *Cueillettes*, I know not for what reason.

This Scheme exhibits all the Parishes with their Subdivisions.

I. *St. Oûen*, six *Cueillettes*, viz.

de Vinchelés.	des Grontés.
des Millés.	Grande Cueillette.
de Leoville.	Petite Cueillette.

(*) See the Chapter of Religion.

- II. *St. Peter*, six *Vintaines*, viz.
 des Angueres. de *St. Nicholas*.
 du Coin Varin. de la Vallée.
 du Douet. Grande *Vintaine*.
- III. *St. Brelade*, four *Vintaines*, viz.
 des Quenvés. du Coin.
 de la Moye. de Noirmont.
- IV. *St. Mary*, two *Vintaines*, viz.
 du Nord. du Sud.
- V. *St. Lawrence*, four *Vintaines*, viz.
 du Coin Motier. du Coin ès Hastains.
 du Coin Tourgis. de la Vallée.
- VI. *St. John*, three *Vintaines*, viz.
 du Nord. de Herupe.
 du Doet.
- VII. *Trinity*, five *Vintaines*, viz.
 de la Ville à l'Evêque. des Augrés.
 du Rondin. de la Croizerie.
 de Rosel.
- VIII. *St. Helier*, four *Vintaines*, viz.
 du Mont à l'Abbé. du Mont Cochon.
 du Mont au Prêtre. de la Ville.
- IX. *St. Saviour*, six *Vintaines*, viz.
 de Maufant. de sous l'Eglise.
 de sous la Hougue. de la grande Longueville.
 des Pigneaux. de la petite Longueville.
- X. *St. Martin*, five *Vintaines*, viz.
 de Rosel, du Fief du Roy.
 de la Queruée. de Faldoit.
 de sous l'Eglise.
- XI. *Grouville*, four *Vintaines*, viz.
 de la Rue. de Longueville.
 des Marais. de la Roque.
- XII. *St. Clement*, three *Vintaines*, viz.
 du Mont-Roquier. Grande *Vintaine*.
 de Samarés.
- Cueillettes* and *Vintaines* in all fifty two (99).

St. *Helier* is the Head-Town of the whole Island, and the next to it is St. *Aubin*, which last gives name to the Bay wherein they are both seated, three Miles asunder: It is a Bay of fine white Sand, firm and level, which makes travelling smooth and pleasant from one Town to the other: The Situation of St. *Helier* is both commodious and delightful. On the South-West it has the Sea, with a full view of *Elizabeth-Castle*, and of the Road for Ships. All round on the North Quarters, it is fenced against cold Blasts, by Hills rising up gradually into the Island. From the bottom of those Hills to the Town lies a flat of Meadows, watered by a clear Stream; which, after it has enriched them, enters the Town, runs along some of the Streets; nay under some of the Houses, so that by a Bucket let down through a Trap-door the Water is brought up with the greatest ease. How far the nearer Neighbourhood of another great Hill, one Prominence whereof hangs in a manner over the Town, may be a Benefit or a Nuisance to it; I will not undertake to decide. As 'tis a Common, it should be beneficial, for the sake of Herbage; and to Gentlemen and Ladies, it affords a lovely Walk, with a most extended Prospect on all Sides. This is the Hill mentioned before by the Name of St *Helier's Hill* vulgarly; *le Mont de la Ville* (100). In the Reign of *Edward VI.* when the Duke of *Somerset* had the Government of this Island, there was a talk of building a New Town upon this Hill (*) (101), and inclosing it with Walls; which so doubtless would have been a Place of very great Strength; but destitute of the Commodities the present Town enjoys below, as particularly of fresh Water. It seems as if that unfortunate great Man intended to fortify himself in these Islands against his powerful Enemies, for thus also he began a Cittadel in *Alderney*; which by his Death remained unfinished. The Town, in its present enlarged State, contains about four hundred Houses (102), laid out into several wide and well-paved Streets. In the Center is a large Quadrangular Place, faced on each side with handsome Buildings, among them

(*) Chron. MSS. de JERSEY, Ch. xxv.

with the Seat of Justice, called *la Cohue Royale*. There a Market (103) is kept every *Saturday*, more resembling a Fair than an ordinary Market, by reason of the great Concourse of People resorting to it from the remotest Parts of the Island, not only to buy and sell, but to dispatch all sorts of Business, or even purely to enjoy the Conversation of their Friends. The Town is inhabited chiefly by Merchants, Shop-keepers, Artificers, and Retailers of Liquors; the Landed Gentlemen generally living upon their Estates in the Country. In short, here is scarce any thing wanting for Necessity or Convenience. Besides the Stream running through the Place, there is a farther Supply of good Water from Wells and Pumps. The Corn-market (*la Halle à blé*) is a Piazza, under a Pile of Building supported by Pillars, where the Country-people with their Corn stand dry in all Weathers. And so likewise the Shamble (simply *la Halle* or *la Boucherie*) is a spacious Room inclosed, so that in passing the Streets, neither the Sight nor Smell are offended with dead Carcasses of Beasts, exposed on Stalls, or in open Shops, as is too common elsewhere. Whoever has observed the Difference betwixt a clean well-built Town, and an irregular jumble of Houses, with miry Streets and Lanes, (and many a Country-Market-Town is no better), will not think these Remarks trivial, or out of the way. As to the Number of Inhabitants, by taking them at a *Medium* of Five to every House, which seems nearest to truth, we may pronounce them Two Thousand of all sorts, without fear of erring much on either hand (104). And herein I do not include the Dwellers in the *Out-Vintaines*, who amount to some Hundreds more, and are Parishioners, though not Townsmen. For all these the Church in the Town, though very capacious, and filled with Galleries, is no more than barely sufficient (105.) This Description of *St. Helier* would not have fitted it in *Mr. Camden's Days*, nor even so low as 1694, when my Book was first published; many Particulars here mentioned, with others which for Brevity I omit, being latter Improvements.

St. Aubin is a town of merchants and masters of ships, who

first settled in that Place (otherwise not so proper to build on, because too much straitned between Hills and the Sea) for the sake of the adjoining Port, the best and most frequented in the Island. In extent and Bigness, 'tis less than St. *Helier* by more than one half, but vies with it in the Neatness of the Houses. For here they are almost all new, whereas among the more elegant modern ones of St. *Helier*, there are not a few remaining of antick Fashion, which in Comparison make but an indifferent Figure. And here also every Monday is held a Market, improperly so called, it being rather an Exchange, or Meeting of Merchants and others, about Affairs relating to Navigation and Foreign Commerce. The Town lies in the Parish of St. *Brelade*, and because the Church is at a Distance, with the way to it over a bleak Hill, the Inhabitants, most of them easy in their Fortunes, are building a handsome Chappel for Divine Service, by a contribution among themselves (106).

The Port, as Nature made it, and as it was threescore Years ago, did not enough cover the Ships within, against some particular Winds. Therefore a strong and massive Stone-Work, or Pier, in imitation of that of *Guernezey*, has been carried into the Sea, which locks them in, and now is a safe and quiet Harbour for them. In this Pier "a Sixth-Rate just floats at a dead Neap, and a Ship of two hundred Tuns at all times (*)." Our Trade does not require greater Vessels than of a hundred and twenty or thirty Tuns, and for those there is always entrance at Half-Flood. Large Ships and Men of War, such as sometimes visit us from *England*, must keep without in the Road, where is very good Ground for anchoring. The Pier joins to the Fort of St. *Aubin*, and as that defends the Ships from the Violence of the Winds and Waves, so this protects them against the Insults of a Enemy (107). By a laudable Emulation, St. *Helier* is raising such another Great Work at a convenient Place near it; which is so far advanced that it already does good Service, and will do more when brought to Perfection (108).

(*) Mr. *Le Bastide's* Prospect of the Fort, Harbour, and Town of St. *Aubin*.

After so much said of the two principal Towns, it were superfluous to enumerate smaller Hamlets, and Clusters of Houses, scattered up and down the Island; (109) the whole being indeed so full of Habitations; that it more resembles a great Village than an open and Champaign Country. By looking into the Map, one may see how thick they stand in the several *Vintaines*. and yet the Numbers there, fall short of the present Numbers. For 'tis not less than fifty Years since that Account was taken by Mr. *de Samarez*; and inserted into his Original Draught, of which the Map in this Book is a Copy, and in that time the Numbers have been considerably augmented. They are doubled in the *Vintaine de la Ville*, but 'tis not so in the rest. This increase of Houses is very much owing to the Division of Land among the Children of a Family (110). A younger Brother, having but a few *Vergées* for his Lot, shall take it into his Head to lodge himself (as the Phrase here is) upon his Little Fand; and so up rises a New House where never any was before. And an increase of Houses inferring an increase of People, it follows that these also must, in those fifty years; be multiplied in Proportion. I computed them at between Fifteen and Twenty Thousand, but must now enlarge the Account, and allow them to be the Twenty Thousand full, and upwards. And even so, I am aware some will think the Estimate too scanty, believing them to be many more; while others will look on it with admiration, that on so small a Spot of the Earth, there should Twenty Thousand Souls be found, all, excepting a very few, Natives of the Place (*).

This Throng of Inhabitants, and Multitude of Hands to defend the Island, makes its Strength and Security. Therefore whatever might tend to thin their Numbers, must also in the Nature of the Thing tend to weaken the Place;

(* This distinguishes us from the Sugar Islands, Barbadoes, Antego, &c. said also to contain a Great People. But what People? Slaves and Negroes, introduced from abroad, and bought with Money like Cattle, the Proprietors and Freed Men scarce being a fourth or fifth Part of the whole; and even thus mixed they come not up to our Numbers. For example, in Antego, Whites and Blacks together are at the highest but Six and Twenty Thousand, though the Island be twice as big as JERSEY. See British Empire in America, Vol. II. pag. 175.

and expose it to an Enemy (111). An oppressive Government, a diminution of its privileges, hardships and Discouragements laid on its Trade, and the like, would in time do that, and sink its Thousands to Hundreds. Were not the Island thus populous, it could not defend itself; and nothing but great Privileges and Immunities quietly enjoyed will keep a People together, and promote their increase, who by their Situation are continually in the Mouth of Danger. But of this again, in a more proper Place (*).

Buildings, both in Town and Country, are substantial and strong, being all of Stone. The common Stone of the Island is a Rag-Stone, hard and brittle, and therefore not easily brought into form. There can be no want of it in a Country that is itself but a huge Rock, covered to a greater or less Depth with a Coat of Earth. But besides that, there is in the Parish of *St. John*, on a hill called *Mont-mado*, a rich Quarry of excellent Stone, rising in great Blocks, and capable of being cut and shaped into regular Squares, like the *Portland-Stone* in *England*. The Rag-Stone singly serves tolerably well for meaner houses, and keeps the Weather out better than Plaister or Loom. But 'tis more usual to employ both sorts together; namely, the *Mont-mado* for Corners, Doors, Windows, Mantle-pieces, (†) &c. the Rag-Stone for filling up the Interstices in the Walls; and houses thus built are very compact, and make a handsome Shew. Here and there Gentlemen and rich Merchants will have theirs faced wholly with *Mont-mado*, or, instead of that, with *Chauzey-Stone*, which comes from the little *French* Island of that Name mentioned before. They are both of a fine Grain, and are wrought with the Point of the hammer almost as sleek as polished Marble. The *Mont-mado* is of a reddish White, and the whiter the

(*) *In the Chapter of Privileges.*

(†) *What the right reverend Bishop of Man, in his Description of that Island, says of a Rock there, is perfectly applicable to our Mont-mado, viz. "That out of it are wrought long Beams (if one may use that expression) of tough Stone, fit for Mantle-trees, twelve or fifteen foot long, and strong enough to bear the weight of the highest Stack of Chinnies. Camden's Brit. Second English Edit. Vol. II. Col. 1443.*

more esteemed ; the *Chauzey* is of a bluish White, and with this last the Town of *St. Malo*, in our Neighbourhood, which affects a Magnificence equal to the Capital of a Kingdom is built altogether. *France* or *England* supply us with Lime, having none of our own ; and the latter with Blue Slate, to cover our Churches and finest Seats. But this coming pretty dear, we must for the most part be contented with Thatching ; which here is done with long well-chosen Wheat-Straw, as little bruised as possible, laid on so artificially, bound so firm, and cut so smooth and even, that the Work not only looks well to the Eye, but will resist a storm of Wind, better than I have observed common Tying to do in *England*. These JERSEY-houses, with proper Care will stand some hundreds of Years, and would much surpass the slighter Buildings of other Countries, were the Finishing and Furniture answerable to their solidity. But our People, especially the middle sort, have more regard to strength and Durableness, than to Ornament. And there is good Reason for it from the Tenure of houses and Land amongst us, which is not for a certain limited Term of Years only, like Farming in *England*, but *à fin d'héritage*, as we express it, that is to say, for ever. Hereby a Man being perfectly master of what he possesses, prudence will direct his layings out, not in things of mere present satisfaction or Curiosity only, and that will abide no longer than himself, but in such as may pass to his Children's Children, who are to enjoy the Tenement after him. And in this View he builds substantially, and does many other things for a lasting Improvement, which one who holds only for a Time has not encouragement to do.

Trade with us is subject to many ebbs and flows, according as we have War or Peace with our Neighbours. In 1694 I complained of its being ruined by the *Armateurs* of *St. Malo*, who then reigned in these Seas, and in a manner blocked us up. At length we ourselves took to the same course of Privateering, which, tho' gainful to some particular Persons, could not make us amends for the Loss of a peaceable open Trade, the Benefit whereof is more general

and diffusive. Since things have been quieter, we are got again into our old Track of Business, and yearly send several good Ships to *New-foundland* (*), (112) which from thence proceed into the *Mediterranean* with their lading of Fish, call at the Markets there, and bring home good returns to their Owners. This is the prime Trade we carry on abroad ; and as none is fairer, and less liable to Objections, 'tis evidently our Interest to pursue it with greater Application than any other. There is a dishonest clandestine Trade, too much grown into Practice every where, and *England* has sometimes (though I verily think without good Foundation) conceived a jealousy and distrust of this Island on that account. So far as I understand, what there is here of that kind, is at least to the advantage of *England*. I mean the running of Tobaccos into *France*, which increases the sale and Consumption of an *English* Commodity. Yet neither do we run those Tobaccos ourselves, or do it very rarely ; but they among the *French* who allow themselves in that Way, come and take them of us (113). We have but one constant standing Manufacture for Exportation, namely that of Knit Hose or Stockings, of which many thousand Pairs are weekly made in the Island (†) and sold at *St. Helier* every Saturday by the Knitters to the Merchants ; who heretofore used to carry or send them to *Paris* and *Rouen*, and even as far as *Lions*, in *France*, and there had a good price for them. But when the famous *Colbert* set himself to advance the Commerce and Manufactures of that Kingdom, he caused so high a Duty to be laid on this Traffick as amounted to a Prohibition. *London* is the present Market for them, from whence they are with other *English* Goods dispersed into various parts of the World. The Wool they are wrought with comes to us from *England*, two thousand Tods uncombed being by Concession of Parliament allowed us yearly, for supporting the

(*) The last Year, 1731, there went out seventeen Ships, with fifteen hundred Men ; and this Year, 1732, the number of Ships is increased to seven and twenty.

(†) *Mr. Poingdestre* computed them at ten thousand, but *Mr. de Samarez* at less.

said Manufacture, and employing our Poor (*) (114). And *England* is no loser by that Concession. For whereas it takes little or nothing of us save those Stockings, we draw from it all sorts of Mercery and Grocery Wares, Household-goods, Leathers, Corn, *Newcastle-Coal*, &c. which must be answered with Money, where the produce by the Stockings is deficient, as it always is, and always will be, to the amount of considerable Sums. This should be a caution to our People to import only things of Necessity and none of Luxury, lest the Ballance turn too much against them, which in the end would prove fatal to the Island. Our Fore-fathers lived well though they traded less, because their Manners were modest, simple, and frugal.

Estates in Land cannot be great in a Country where there is so little of it, and seldom to be bought under thirty years purchase. So that what is merrily said “of a Gentleman’s walking in a morning some Miles outright “on his own Grounds for his Health” is a piece of Wit quite lost amongst us, no Gentleman in this Island having so extended a Walk on his own Property. ’Tis a work of Time and of great Industry, to enlarge an Inheritance here; and when done ’tis most commonly so by acquiring Rents charged on other Men’s Estates. A Rent-Charge is not a thing unknown in *England*, but here those Rents are differently constituted, being made payable in Corn, or things of the like Nature. Such a Rent may originally be created thus. A Man who wants Money, sells (for example) a Quarter of Wheat upon himself, that is, binds himself and his Heirs for ever, with the annual Payment thereof; and this same Rent shall perhaps afterwards pass from the first Purchaser through many Hands successively, every Seller still guaranteeing the Buyer. Thus again the Proprietor of a Tenement with Land lets it out to another, for so many quarters of Wheat for ever yearly; nay, though it be but a House, with not a foot of Land to it, as in the Town, ’tis let in the same manner for a Rent in Wheat,

(*) Stat. 12. Car. 2. Cap. 32. *A like allowance to Guernezey of a thousand Tods, to Alderney of two hundred, to Sark of one hundred.*

which seems absurd, yet is our Practice. The Term for payment of these Rents is *Michaelmas*, from whence to *St. Lawrence's Day* next following (*), they may be paid in *specie*. After that, it must be in Money, according to a certain Rule or Standard set by the Royal Court; which always meets upon that Day, and from an Account laid before it of the several rates that Corn has been sold at in the Market every Saturday throughout the Year, determines the price of the Rents remaining unpaid. Now then when 'tis asked what Estate a man has in this Island, the question is not, how many Pounds, as in *England*, or how many *Livres* as in *France*, but how many Quarters of Wheat he is worth yearly. And this makes Estates with us somewhat variable and uncertain, seeing they must rise and fall according to the price of Corn each year in the Market (115). A JERSEY-Estate of a Hundred Quarters of Wheat, may be supposed pretty near equal to one of seventy Pounds in *England*; and he that is worth two or three hundred such Quarters, is called a Rich Man in this Island.

Gavelkind, or the Partition of both real and personal Estates among Sons and Daughters, is our ancient Usage, and destroys many an Inheritance, by mincing it into several parcels; which peradventure in the next Generation, shall be subdivided again into still lesser Portions, and so on, till an Estate is reduced almost to nothing (116).

In short, he who is ambitious of raising a great Estate, must look out for another Country, for 'tis not to be done in this Island. But a Man of moderate Desires (and ought not every Christian to be such?) may enjoy himself very comfortably in it, always supposing Peaceable Times. The cheapness of Things makes a little Money go a great way; and the Exemption we enjoy from Taxes, and Impositions on what a Family consumes, renders a small Estate equivalent to one of better value elsewhere.

The Language is *French*. Divine Service and Preaching, Pleadings in Court, Public Acts, Conversation among the more genteel and well-bred, all these are in good *French*;

(*) August 10.

but what the Vulgar do speak, is confessedly not so. Yet even That is not so properly a corrupt, as an obsolete and antiquated *French*. For, excepting the viciousness of Pronunciation, it seems to be the very same that obtained in *France* in the Reigns of *Francis I.* and *Henry II*; as appears from the Books and Writings of that Age, wherein one finds abundance of Words, retained to this day by our People, which a polite modern *Frenchman* would not use, perhaps does not understand (*) (117). All Languages are subject to change, but none has undergone more or greater alterations than the *French*, whether for better or worse is not agreed among their own Writers; some of whom complain that their Language has been impoverished by too much refining it, and casting off Words of great usefulness and significancy. After all, there are spoken in many Provinces of that Kingdom various *Jargons*, not a whit better than the worst amongst us; and what is said by them of themselves, *que les gens de Qualité, et les gens de Lettres, parlent bien par tout*, i. e. that People of Fashion, and Men of Learning, speak well every where, is (I trust) no less applicable to others. It ought not therefore to deter *English* Parents from sending their Children hither to learn *French*, though at the hazard of carrying back a few less modish and less elegant turns of Speech, which Books and good Company will easily correct afterwards. Here, they will be out of the way of Men who *who lye in wait to deceive*, and their Religion and Morals will be safe, which cannot be said of the Places they go to. Add to this, a saving and lessening of Expence. Albeit *French* be our ordinary Language, there are few Gentlemen, Merchants, or considerable Inhabitants, but speak *English* tolerably. The better to attain it, they are sent young into *England*. And among the inferior sort, who have not the like means of going abroad, many make a shift to get a good smattering of it in the Island itself. More especially in the Town of *St. Helier*, what with this, what with the confluence of the

(*) As *crasset*, for a lamp to burn oil in; *huche*, for a large wooden coffer; with innumerable others.

Officers and Soldiers of the Garrison, one hears well-nigh as much *English* spoken as *French*. And accordingly the weekly Prayers in the Town-Church, are one Day in *French*, and another in *English*.

In this Island are many very Ancient Families, not only among the Qualified Gentry, but even among those of a middle rank and degree. Of which latter there are some of several hundred Years standing, as all our Records, and particularly the *Old Extent* of 1331 (*), plainly testify. This is owing to the Perpetuity of our Tenures, not subject to removes and changes, as in other Places, where by frequent Transmigrations such Families soon wear out of remembrance, and their Original is forgotten (118).

Gentlemen possessed of the principal *Seigneuries* or Mannors (for they are not all of equal regard or Dignity) have the same civility paid them as in *France*, of not being addressed to by their Family-Name, but by that of their *Seigneurie*, which gives them a character of Distinction. Thus of the Name of *Carteret* there are the *Seigneurs de St. Oûen, de la Trinité, de Vincheléz, &c.* of that of *Bandinel*, the *Seigneur de Melesche*; of that of *Dumaresq, la Dame de Samarez, the Seigneur des Augrés*; of that of *Lempriere*, the *Seigneur de Dilament*; of that of *Pipon*, the *Seigneur de Noirmont*; and so of others. The Family-Names are mostly *Norman*, some *Breton*, with a few *English* from King *John's* time downwards (119).

(*) 'Tis a Rent-roll, or Register of such as held Land from the Crown, *An. Vto Ed. III.* wherein are preserved the Names of Families then in being, and that have subsisted ever since *in statu quo*, which is an Antiquity of no less than four hundred Years. And it not being amiss to give one instance at least of a thing scarce seen elsewhere, I shall give it in my own Family, with which I may be freer than with another. The *Extent* is in Latin, and what follows is extracted from it.

In Parochiâ Saneti Salvatoris.

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Johannes Falle, sen. [solvit Domino Regi] pro unâ Bovetâ cum pertinent. et cum particibus suis ad Fest. Sti. Mich. ii. Sol. viii. den. ad Fest. Pasch. ii. Sol. viii. den. ad Fest. Sti. Pauli. ii. Sol. viii. den. per an. viii. Sol.

Johannes Falle jun. *idem.*

Ricardus Falle. *idem.*

Thomas Falle, *idem.*

CHAPTER III.

Military Government.

The chief Officer in this Island, he who more immediately represents the Person and Authority of the Sovereign, and has the precedency of all others, is the Governor. Whilst the Island was subject to the Kings of *France* of the first and second Race, the Governors were stiled *Comites* and *Duces*, i. e. Counts and Dukes. Thus *Loyescon*, who commanded here in the time of *Clotaire* and *Cherebert* about the Year 560, is called *Comes*, a Count; as we learn from the compilers of the Life of *St. Magloire*, the Apostle of this Island (*). And *Amwarith*, who had the same command under *Charlemagne* two hundred Years after, is called *Dux*, a Duke; as appears from the passage alledged before (†) concerning *Geroaldus*, Abbot of *Fontenelle*, that, *is quadam Legatione fungebatur in Insulâ cui Nomen est AUGIA* [i. e. JERSEY] *cui tempore illo præfuit Dux nomine Amwarith* (‡), Under the Dukes of *Normandy*, and the first *English* Kings after the Conquest, the Government of all these Islands was usually given to one Man, called sometimes *Dominus*, sometimes *Ballivus*, sometimes *Costos Insularum*, i. e. Lord, Bailly, and Warden of the Islands. But *Henry VI.* gave them, together with the Isle of *Wight*, to *Henry de Beauchamp*, Earl of *Warwick*, with a very extraordinary Title, viz. that of KING, as is said in an ancient Manuscript Chronicle of the Abbey of *Twekesbury* cited by *Mr. Selden* in his *Mare Clausum* (§), which speaks thus. *Obiit Dominus Henricus nobilis Dux Wariehiæ, et primus Comes Angliæ, Dominus le Dispenser et de Abergavenny, REX de Insulis Wight et Gardsey et Jardsey, Dominus quoque Cas-*

(*) See hereafter in the Chapter of *Religion*.

(†) Pag. 4.

(‡) *Neustria pia* in *Fontanel*. Cap. viii. pag. 155.

(§) *Lib. II. Cap. XIX.* pag. 375.

tri *Bristolix cum suis annexis*, iij^o. Id. Junii A. D. 1446. *ætatis suæ XXII^o. apud Castrum de Hanleyâ, et sepultus est in medio Chori Theokesburix.* When the Islands were separated, and particular Governors assigned to each, they were stiled *Captains*, and at last *Governors*, which Title was fixed by a special Order of Council, *June 15. 1618.*

This Office has been anciently held by Persons of very great Note and Eminency, and we can reckon among our Governors the Sons and Brothers of some of our Kings; as 1. *John* Earl of *Mortain*, afterwards King, who had these Islands settled upon him in the nature of an Appanage by *Richard I.* his Brother; 2. Prince *Edward*, afterwards King *Edward I.* Son and Successor of *Henry III.* who enjoyed them in the same right in the Life of his Father; 3. *Edward* Duke of *York*, Son of *Edmund* Duke of *York*, who was fifth Son of *Edward III.* This Prince was slain at the Battle of *Azincourt* in 1415; 4. *John* Duke of *Bedford*, Brother of *Henry V.* and Regent of *France*, where he died, and was buried at *Roûen*; 5. *Humphrey* Duke of *Glocester*, Brother also of *Henry V.* He was Murthered at *St. Edmunds-bury*, and lies in the Abbey-Church of *St. Albans.*

From the time of *Henry VII.* JERSEY has of itself been a distinct Government. His coming into this Island, as mentioned in the First Chapter, gave that Prince the opportunity of acquainting himself with our Affairs; and then very probably he saw the inconvenience of committing the Regimen of all the Islands to one Person (120). At his Accession to the Crown, he found that Post filled by Sir *Richard Harliston*, who had so seasonably assisted *Philip de Carteret* in recovering *Mont-Orgueil Castle* from the *French.* That Gentleman was a Partisan of the House of *York*, yet in regard of the good Service he had done, the King would not remove him. But he did that himself some Years after, by weakly giving Credit to the Imposture of the Dutchess of *Burgundy* and her *Perkin-Warbeck.* For at her call he went into *Flanders* to serve that interest, and never returned. In all other respects he was a worthy Man. A Tower built by him in *Mont-Orgueil Castle* and

from him called *Harliston's Tower*, will preserve his Name amongst us whilst that Castle stands (121).

Matthew Baker, Groom of the Bed-chamber to the King, was then made Governor of JERSEY, and another appointed for *Guernzey* and the smaller Islands. But the wise King was deceived in this Man, though one would think he might have known him better, having had him so near his Person. He behaved so ill, and was pursued with so loud a cry from the Island, that in the end he was ejected; and from his abuse of Power the King took occasion to moderate that of future Governors, by depriving them of the Nomination of the Bailly and other Officers of Justice, of which again by and by.

Thomas Overay, by education a Merchant, and several times Mayor of *Southampton*, thence taken into the Court. This proved one of the best Rulers we ever had. Without being deficient in any thing belonging to the Military Part of his Office, he more earnestly applied himself to make his knowledge in Trade useful and beneficial to the Island, so that it flourished in his Time, and as our Chronicler speaks (*) *devint riche et opulente*, i. e. grew rich and wealthy. He constantly resided on his Government, lived beloved; and at his Death was followed with Lamentations and Tears to his Grave in *St. George's Chapel* within *Mont-Orgueil Castle*; where he lies interred.

Sir *Hugh Vaughan* and *David Philips* were joined in one Patent, but not agreeing, the latter on some Considerations surrendered to the former, who remained sole Governor. A Man of low birth and extraction, yet in great grace and favour with *Henry VIII*, for some uncommon feats of bodily Strength and Valour. His Character has been given already. After his Expulsion, the King in mere pity allowed him out of the Revenue of the Government two hundred pounds a Year for a Subsistence; a great fall for one who is said to have been at one time Captain of the King's Life-Guard; Lieutenant of the Tower, High-Bailly of *Westminster*, and Governor of JERSEY (122).

(*) Chron. MSS. de JERSEY, Ch. XIV.

Sir *Anthony Ughtred*, nearly allied by his Wife to Queen *Ann Boleyn*, and not unworthy of that Alliance. He had been Governor of *Berwick*, and eminently serviceable in the *Scottish Wars*. Notwithstanding his relation to the Court, and what farther expectations he might have from it, he lived and died in the Island, and was buried in *St. George's Chapel* with his Predecessor *Overay*.

Sir *Arthur Darcy* held the Government not long. The Lord *Vaux* was ambitious of having that Employment, and withal so imprudent as to part with a good Estate in *Northamptonshire* to Sir *Arthur* in exchange for the same, even before he was assured whether the King would, or would not, Confirm the Convention between them two. When he came to apply for that purpose, the King plainly told him *he would not trust the keeping of such an Island as JERSEY to one who could not keep his own Lands*; yet gave him leave to demise the Office to a third Person whom his Majesty should approve, and to receive a Recompence for it.

Sir *Edward Seymour*, Viscount *Beaucamp*, was the Purchaser; whose great Rise afterwards, even to the Protectorship, not allowing of his coming amongst us, he governed us by Deputies, being ever ready to hear favourably the complaints for which they too often gave occasion, and to do the Inhabitants justice (123). When the good Lord fell into his troubles, he willingly resigned the Government to

Sir *Hugh Paulet*, in whose Family it continued during 3 Generations. For to Sir *Hugh* succeeded his eldest Son Sir *Anias*; and to him likewise his eldest Son

Sir *Anthony*. The two first, Men of great note in their time for Political Wisdom and Abilities, and accordingly much trusted and employed by King *Edward VI.* and Queen *Elizabeth* in their Negotiations and Councils. Zealous Promoters of the Reformation of Religion in this Island, but too much leaning to the Puritan Scheme, as will appear hereafter.

Sir *Walter Raleigh* came in after the *Paulets* the Year only before his Royal Mistress Queen *Elizabeth* died, and was attainted the first of King *James*, so that we were soon

bereaved of the happiness we promised ourselves under so excellent a Person. His bare name in the List of our Governors, does honour to the Island (124).

Sir *John Peyton* is next, betwixt whom and *John Heraut*, commonly called *Monsieur de St. Sauveur*, a Man of Spirit, happened a very warm Contest about the Place of Bailly, of which the last stood possessed by a Grant from the Crown; the Governor insisting on a Power by his Patent to dispose of the Place, and to put in and out whom he thought fit. And true it is that anciently the Governors had such a Power, but *Henry VII* finding it abused, and grown exorbitant, suppressed it, and reserved it to himself, by an express Article (*) in his *Ordinances*, which says, *That the King shall have the Nomination of the Bailly, the Dean, the Viscount, and of his Procurator* (i. e. his Attorney General) *in the said Island; and that neither the Captain* (i. e. the Governor) *nor the Jurats, shall in any wise concern themselves, or intermeddle, in the disposition of those Offices*, whereby even the Liberty of recommending seems to be interdicted them. In consequence of this Law (for those *Ordinances* were given to us for Laws, as has been said in another Place) the Clause in former Patents, that allowed the Governors *constituere, facere, et deputare omnes et singulos Officiarios in prædictâ Insulâ necessarios et consuetos*, was dropt for a Time, and upon Vacancies application was made directly to the Crown. I say, for a Time; For by Some Collusion at the Seals (how else it could be done, I conceive not) the subsequent Governors found means to get the empowering Clause inserted again, and in Sr. *John Peytons's* Patent it ran thus, *constituere, facere, et deputare Officium Ballivi dictæ Insulæ, et omnes et singulos Officiarios in prædictâ Insulâ necessarios et consuetos*; where the *Office of Bailly* is drawn in, which was not in the general Clause before. Here then lay the Point in dispute, whether the *Ordinance of Henry VII*, ratified by his Son and Successor *Henry VIII*, or the Patentary Clause, should stand; which being brought before

(*) 'Tis the XIXth.

King *James* and his Council for a determination, the former carried it ; with the addition of another Office withdrawn from the Governor's Nomination, namely that of Advocate, or Sollicitor-General, and there the Matter has rested ever since. See the King's Pleasure signified thereupon, in the *Appendix, Numb. III (125)*.

Sir *Thomas Jermyn*, a great Courtier in that Reign, had in Sr. *John Peytons's* Life-time obtained the Reversion of the Government, which at the other's Death fell to him accordingly. He enjoyed it long; and by a like Reversion transmitted it to his younger Son-

Henry Jermyn, afterwards Earl of *St. Albans*. This Lord was Chamberlain to Queen *Mary*, Consort of King *Charles I*, and attended her into *France*, where he remained with her Majesty, as chief Director of her Family, until the Restoration. In the mean time the Island being threatned with an Invasion from *England* by the Rebels; (126)

Sir *George de Carteret*, who till then had only the Lieutenancy under the Earl, was added to him in the Participation of the Government, with equal Authority in all Things. Wherein no inconvenience could happen through a concurrence and jealousy of Command, because Sir *George* was alone upon the Place ; of whom, and the noble defence he made against the Rebels, a large account has been given before. The Troubles being over, and the King restored, the Partnership ceased, and the Government remained solely in the Earl ; a farther Grant whereof, in Survivorship after him, he had interest enough to procure for *Thomas Jermyn Esq* ; his eldest Brother's Son, whom in the *interim* he made his Deputy. But the imminent Danger of the Island in 1665; spoken of in the *Introduction*, calling loudly for a Soldier of Name and Reputation-(which the Earl was not) to command in the Place, it was proposed to give him one thousand Pounds a Year out of the Exchequer, in lieu of the Profits of the Government, and that another should go in his stead with a Special Commission, reserving to him and his Nephew their respective Rights entire and untouched, in which he acquiesced.

Sir *Thomas Morgan* was the Brave Man thus Commissioned, whose great Merits towards us have been remembered in the aforesaid *Introduction*, and need not be repeated here. I shall only say this farther of him, in commendation of his great Vigilance and Care of his Charge, that he never allowed himself to be long absent from it; and would sit whole days on the Carriage of a Cannon, hastning and encouraging the Workmen employed in the New Fortifications of *Elizabeth-Castle*, which were carrying on under his Order and Inspection. Though he fell not in Battle, he may be said to have died in the Bed of Honour, by dying on his Post, i. e. in the Island, after he had put it in a better State of Defence, and every way on a better Military Foot, than it ever had been before. He dead, a like Commission was directed to (127)

Sir *John Lanier*, another brave Officer, who had distinguished himself in that Body of *English Auxiliaries* which served some time in *France* under the unfortunate Duke of *Monmouth*, natural Son of King *Charles II.* Among those Troops did the more fortunate Duke of *Marlborough* himself first learn the art of War. Sir *John*, after the fatigue of several Campaigns, and the loss of an Eye, would gladly have set up his Rest with us, and pursued Fortune no farther. But it was not given him so to do. For the Earl of *St. Albans* dying, his Nephew, now Lord *Jermyn*, claimed the Government, or to have the thousand Pounds yearly Pension continued to him, one of which could not be denied him. King *James II.* was then on the Throne, who, to spare his Exchequer, chose to let his Lordship enter upon the Government, and recalled Sir *John*, to whom he gave a Regiment of Horse. To finish the account of this Gentleman, by going early into the Revolution he preserved his Command, was sent into *Scotland* to take in *Edinburgh-Castle*, assisted in the reduction of *Ireland*, and serving under King *William* in *Flanders* as one of the Generals of Horse, lost his Life at the Battle of *Stein-Kirk* in 1692 (128).

Thomas Lord Jermyn had long before, *viz.* whilst he was Deputy to his Uncle, intitled himself to our respects by the Easiness and Affability of his Manners. His natural good Understanding did also in great measure supply his want of Experience in Military Affairs. Humanity and good nature were his proper Character. He died (129) in the second Year of Queen *Ann*, and in him ended that Courtly Family of the *Jermyns* possessed of a Reversionary Right to the Government of this Island ever since the beginning of the Reign of King *James I.* To this Lord inclusively, and then living, I brought down the Succession of our Governors in the First Edition of my Book, and am now to add

Henry Lumley Esq. ; only Brother of the late Earl of *Scarborough* ; first, a Colonel, then General of Horse ; “ present at every Battle, and every Siege, with King “ *William*, or the Duke of *Marlborough*, in twenty Cam- “ pagnes, in *Ireland*, *Flanders*, and *Germany*,” as the Inscription on his Monument declares (*). What rais'd the Glory of this gallant Man, *viz.* his great Employments in the Armies abroad, turned very unhappily to our Prejudice. For as those were pleaded in excuse for not visiting his Government, never seen by him unless in the Map, so it must be a great loss to us, to have year after year the whole Income of the said Government drawn out of the Country ; which not abounding in Money, did then, and will always very sensibly feel such a Drain and Export (130). We cannot however but acknowledge his readiness to serve the interests of the Island on all other occasions, and his Civility to the Inhabitants whose affairs in *England* needed at any time his Countenance and Favour.

The right honourable Sir *Richard Temple*, Lord Viscount *Cobham*, the present Governor.

This Office has been held sometimes *quandiu Domino*

(*) In Sabsworth Church, Hertfordshire. See the whole Inscription in Dr. Salmon's History of that County. pag. 266.

Regi placuerit (*), sometimes *quandiu se bene gesserit* (†), sometimes for a certain and determinate number of Years (‡), sometimes during Life (§), at other Times during Life and some odd Years beyond it (||), and again, without condition or limitation of Time (¶).

To support the Dignity of this Office, the King allows the Governor his whole Revenue in the Island, a small part thereof deducted for Fees and Salaries to the Officers of the Civil Jurisdiction. In ancient Times, this Revenue consisted in seven Mannors, the Patrimony of the Dukes of *Normandy*, by *Henry II.* let out in Fee-farm to sundry Tenants, at the yearly rate of four hundred and sixty *Livres tournois* (131); as also in diverse other Money-Rents, specified in the *Old Extent* (a) made *an. 5. Ed. 3.* by Commissioners sent to inquire into the State of the Royal Demean; all together to the amount of more than a thousand *Livres tournois* annually, a *Livre tournois* (*Libra Turonensis*) being then as much as an *English Pound sterling* is now. And besides, there belonged to the same

(* Richardus Grey, *Custos Insularum*, *an. 10. H. 3.* Hugo de Sancto Phileberto, *Custos de JERSEY. eod. anno.* Wilhelmus de Sancto Johanne, *Cust. Insular. an. 11. H. 3.* Arnaldus de Sancto Amando, & Philippus de Carteret, *Custodes Insular. an. 16. H. 3.* Philippus de Albimar, & Wilhelmus de Sancto Johanne, *Custodes Insular. eod. anno.* Johannes des Roches, *Cust. Insular. an. 2. E. 3.* Thomas Hampton *Cust. Insular. an. 15. E. 3.*

(†) Richardus Harliston, *Capitaneus de JERSEY. an. 17. E. 4.* Hugo Vaughau *Capit. de JERSEY. an. 17. H. 7.*

(‡) Thomas de Ferrariis, *Cust. Insular. pro termino 6. annorum an. 12. E. 3.* Idem iterum *Cust. &c. pro term. 5. annorum. an. 17. E. 3.* Johannes Naufan, *Cust. Insular. pro term. 5. annorum & dimid. an. 31. H. 6.* Id. iterum *Cust. &c. pro term. 10. annorum. an. 36. H. 6.*

(§) Hugo Calvilegh, *Cust. Insular. an. 50. Ed. 3.* Johannes Golafre, *Cust. Insular. an. 11. R. 2.* Edmundus Comes Rutland. *Custos Insular. an. 20. R. 2.* Matthæus Baker, *Capit. de JERSEY an. 3. H. 7.* Thomas Overay, *Capit. de JERSEY, an. 15. H. 7.* Antonius Ughtred, *Capit. de JERSEY. an. 17. H. 8.* Arthurus Darcy, *Capit. de JERSEY, an. 25. H. 8.* Thomas Vaux, *Dominus de Harrowden, Capit. de JERSEY, an. 27. H. 8.* Edwardus Seymour, *Viccomes Beauchamp, Capit. de JERSEY, an. 28. H. 8.* Hugo Paulet, *Capit. de JERSEY, an. 4. E. 6.* Amias Paulet, *Capit. de JERSEY, an. 13. Eliz.* Antonius Paulet, *Capit. de JERSEY, an. — Eliz.* Walterus Raleigh, *Capit. de JERSEY, an. 43. Eliz.* Johannes Peyton, & Thomas Jermyn, *Gubernatores de JERSEY, an. 1. Jac. 1.* Henricus Dominus Jermyn, et Georgius de Carteret, *Gubernat. de JERSEY, an. —*

(||) Otto de Graudisono, *Cust. Insular. an. 5. E. 1.*

(¶) Edmundus Rosse, *Cust. Insular. an. 47. E. 3.*

(a) See above, pag 183.

Revenue several parcels of Lands and Meadows, Wheat-Rents, Wardships, Services, Escheats, Forfeitures, Fines, and other Emoluments, certain and casual, not reckoned like the others in Money, which, with them, made up a pretty Estate for the King in so small a Country. But now, the *Livre tournois*, according to which the Money-Rents were then valued, is fallen so low, that the abovesaid thousand *Livres tournois* are brought under one hundred Pounds sterling; and many Alienations have been made of the Crown-Lands and Rents, some begg'd, others sold, particularly by King *Charles II*, to supply his Necessities in his Exile. At present, the Revenue consists principally in the Corn-Tythes of ten Parishes (*), which having been appropriated to diverse Religious Houses in *Normandy* in time of Popery, were by *Henry VIII*, vested in himself and his Successors (132). By a latter *Extent*, the whole is computed at fifteen thousand *Livres per annum*; for the collecting whereof the Governor appoints a peculiar Officer, stiled *le Receveur du Roy*, i. e. the King's Receiver.

Our Kings heretofore were wont to dispose of this Revenue more thriftily than they now do, laying on it the whole Charge of the Garrison (†) (133), causing the remainder to be accounted for in their Exchequer, and out of That allowing a proportion to the Governor, greater or less, as he could agree, or had an interest in the Prince's favour. Thus *John des Roches*, Warden of the Islands in the Reign of *Edward III*, had only the short allowance of forty Pounds a Year (‡). The more usual way was to let the Governor

(*) The Tythes of St. Saviour are annexed to the Deanry. Those of St. Helier were begg'd by Sir Edward de Carteret, Cup-bearer to the Duke of York, afterwards King James II. (134)

(†) This is to be understood of the ordinary Garrison, extraordinary and contingent Charges being born by the Crown.

(‡) In Memorand. Scaccarii de an. 5. Regis Edw. 3. inter Brevia, &c.—Rex Thesaurariis et Baronibus suis de Scaccario, salutem. Mandamus vobis quod dilecto et fideli nostro Johanni des Roches, nuper custodi Insularum nostrarum de JERSEY, Guerneseye, Serk et Aureney, quadraginta Libras per annum, pro feodo suo, de tempore quo Custodiam Insularum earundem ex Commissione nostrâ habuit, in Compoto suo ad Scaccarium prædictum allocari faciatis. T. meipso apud Westm. 21. die Decemb. an. Regni nostri 4.

receive the whole, paying a certain Sum out of it. And so *Thomas de Ferrariis*, and *Thomas de Hampton*, in the same Reign, were charged each with five hundred Marks. The last that had it with these Deductions, was Sir *Thomas Jermyn*, charged with three hundred Pounds. But this Management was not constantly the same. For *Phillip de Aubigny*, *Drogo de Barentin*, *Otto de Grandison*, &c. in the times of King *John*, *Henry III*, *Edward I*, &c. enjoyed all the Profits, as the Governors do at present *sine computo*. So did those Sons and Brothers of our Kings, mentioned before, who seem to have had the entire Regalities of the Islands given up to them in the amplest manner; therefore not improperly called *Domini Insularum*, i. e. Lords of the Islands. See the Grant to the Duke of *Bedford*, brother of *Henry V*. in the *Appendix*, Numb. IV.

The Power of the Governors has likewise been greater or less, as their Commission has at different times been either enlarged or restrained. Anciently the governor was a person of a Mixt Power. I mean that he had the administration of both the Civil and Military Authority. He was Judge as well as Governor; had the disposal of all Places in Court, Church, and Garrison. Which Mixt Power the Title given him of *Bailly* (*Ballivus*) (*) was construed to imply and declare. For though the Word *Bailly* does now sound low and mean, and in an *English* Reader raises no great Idea of a Person in that Employment, yet in former days the said Employment was very highly and very honourably accounted of, and is so still by the *French*, among whom we are to seek for the Meaning and acceptation of Names of Office

(*) An. 10. A. 3. Dominus Rex commisit Ricardo de Gray Insulas de JERESEYE & Gerneseye, cum aliis Insulis & Castris Domini Regis ibidem custodiendas, &c. T. R. apud Westm. &c.—Et mandatum est militibus, liberis hominibus, & omnibus aliis existentibus in eisdem Insulis quod eidem Ricardo, tanquam BALLIVO Domini Regis, in omnibus ad prædictas Insulas pertinentibus, intendentes sint & respondentes. In cujus &c. T. ut sup.—Eod. an. Dominus Rex commisit Hugoni de Sancto Phileberto Insulam de JERESEY, cum castro ibidem, custodiend. &c.—et mandatum est militibus &c. quod ei tanquam BALLIVO Domini Regis &c. T. R. apud Westm. 12. die Febr.—An. 11. H. 3. Dom. Rex commisit Wilhelmo de Sancto Johanne Insulas de JERESEYE & Gerneseye, cum aliis Insulis & Castris suis ibid. Custodient. &c. T. R. ap. Westm.—Et mandatum est militibus &c. quod eidem Wilhelmo tanquam BALLIVO Domini Regis &c. T. ut supra.

now or heretofore used in this Island. *Ballivus* (says the learned *Spelman*) *apud Gallos splendidus Magistratus est. Apud nos (Anglos) honestioris sæpe notæ, sed plerunque minister infimus* (*). And because in *France* (where the Provinces are generally divided into *Bailliages* and *Seneschaustés*, Jurisdications well nigh the same) the *Bailly* sits on the seat of Judgment, not in a Gown, after the manner of other Judges, but with a Sword by his Side, therefore he is said to be *un Magistrat de l'Epée* (135), i. e. Magistrate of the Sword. Such a Magistrate was the Governor here, trusted both with the Military and the Civil Sword; thence also called *Custos*, i. e. Warden or Guardian, as being both *Custos Terræ*, and *Custos Legum*, i. e. Guardian of the Land, and Guardian of the Laws. In process of time he reserved the exercise of the Military Part alone to himself, transferring the Judicial to another, who thereby gained possession of the Title of *Bailly*, while he himself retained the sense and meaning of the Word in the Name of *Custos*, or Warden. Thus, that Office which at first was but one, became two; yet so as he who had the Judicial Part, and was now called the *Bailly*, was still a Dependant and Creature of the other. So were the other Ministers of Justice. Which was a great obstruction to a free Course of it, since they must be at the beck and devotion of him from whom they derived their Power. King *John* began, and King *Henry VII* completed the establishment of a Jurisdiction wholly independant from the Governor; the latter taking away from him the Nomination of the *Bailly*, and of the other Officers of the court, as has been said more than once before; and absolutely forbidding him *in any wise or by any means* to interpose in Matters that were of the Cognizance of the Civil Tribunal (†). But though the Governor has no proper Jurisdiction, yet, in regard of his Dignity, his

(*) Glossar. in voce *Ballivus*. Vid. etiam Du Fresne Glossar. sub voce *Bajulus*. ubi et hæc inter cætera. *Ballivi dicti, quibus justitiæ in Provinciis, et majoribus Civitatibus, administrandæ cura a Principe demandata erat — ji Comitum vicem subiere, qui primâ et secundâ Regum nostrorum stante stirpe, id muneris obibant quod postmodum Ballivi. — Ex ordine Militum seligebantur Ballivi, &c.*

(†) Ordin. Art. VII.

Presence is often required in court (136), and is in some sort necessary for the passing of some acts there; namely, such as concern the King's Service, the maintenance of the Public Peace, the safety and good government of the Island. He has the Court under his Protection, being obliged to assist the *Bailly* and *Jurats* with his Authority in the Execution of their Judgments. He has power, with the concurrence of two of the *Jurats*, to arrest and imprison any Inhabitant upon vehement suspicion of Treason. No Inhabitant may go out of the Island, no Foreigner may sojourn or settle in it, without his knowledge and privity. No *Convention of the States* can be held, nor any Matter therein transacted without his consent; but this with some Restrictions, of which more hereafter. On the other hand, at his Admission, and before he can do any Act of Government, he must produce his Patent or Commission in Court, and must swear to maintain the Liberties and Privileges of the Island (137). See his Oath in the *Appendix Numb. V.*

His more peculiar and immediate Province is the Custody of his Majesty's Castles, with the Command of the Garrison, and of the Militia of the Country, which last he models and regulates at his Pleasure.

Elizabeth-Castle is now, what *Mont-Orgueil* was heretofore, the principal Fortress of the Island; as considerable for Natural Strength, extent of Fortifications, and all the necessary Furniture and Appendages of a Garrison, as any *England* has to boast of at home or abroad; with us vulgarly called *le Château de l'Islet*, or simply *l'Islet* (q. d. *Insuletta*) because standing on a small Island, and taking up its whole Circuit, little less than a Mile. This Castle is not the Work of one Time, nor of one Reign, as the preceding History shews. The first design of it was laid in 1551, the fifth of *Edward VI*, in pursuance whereof all the Bells in the Island (*), reserving only one to every Church, were ordered to be taken down, and sold, for defraying part of the Charge. In 1586 and the Years following, under the

(*) *It has been reported, that the Ship which was carrying the Bells to St. Malo for sale, sunk suddenly going out of the Harbour, and some have ventured to call that Accident a Punishment on Sacrilege.*

long Regency of the *Paulets*, the *Upper Ward*, which properly is Queen *Elizabeth's Castle*, was built; every House in the Island contributing four days work towards it. The *Lower Ward* is King *Charles the First's Castle*, begun 1626. *Charles-Fort* was added during the Troubles. Last of all, the *Green* was walled in on the menaces of the *French* in the War of 1665. All which particulars having been mentioned before, need no farther enlargement. A Regular Fortification, in the strict sense of the Word, it is not, neither could be, by reason of the necessity of following the Flexures and Sinuosities of the Ground, in order to take it all in, and leave nothing without for an Enemy to set his Foot upon From the nearest Land whence it may be battered, as it was by the Rebels in 1651, after a Breach made (if a sufficient Breach can be made at so great a distance) the Assailants must wait the Fall of the Tide, then march three Quarters of a Mile over the Sands e're they come to the foot of the Walls, exposed all the while to all the Fire from thence, and carry their point in few Hours, or be overwhelmed by the flowing back of the Sea. So that if there be a place impregnable by its situation, one might presume this to be such. If its being taken by the Rebels be objected, I refer to the Relation given above of that Matter. But the shortest answer is, that 'tis now in quite another state and condition of Defence than it was at that time. Much has been done to it since, and much is doing daily; the Honourable Board of Ordinance, apprized of its importance, allowing very liberally, not only for necessary Repairs, but likewise for all fitting Improvements (138).

I wish I could give the same account of *Mont-Orgueil*, so famed in our Old Story, and of an Antiquity beyond our earliest Records. But that noble Castle, under whose Walls the *French* have so often digged their Graves, has much lost of its Reputation, through the unhappy neighbourhood of a Hill somewhat overawing the Rampart; an Inconvenience less regarded in former Days, by reason of the wide and deep Vale interposing betwixt the Hill and the Castle, which hindered Approaches. 'Tis now in a

manner slighted, and considered as indefensible. And yet that great Soldier, Sir *Thomas Morgan*, did not judge it altogether so. All his time it was kept well mann'd, and in good Order. But possibly our Superiors may think it needless to maintain two grand Fortresses in so small an Island, and in that case there can be no dispute which of the two ought to have the Preference. The Castle stands (and will long stand, unless purposely demolished) on its own strength and firmness, and under its disgrace retains an Air of Greatness that strikes the Eye (139).

The Fort of St. *Aubin* (otherwise called *la Tour*, because formerly no other than a great Tower on a Rock, but now fortified with Bastions planted with Cannon) is of good use for clearing the Road, and protecting the Ships within the Pier; into which last nothing can pass but by the Permission, and under the Guns, of the said Fort (140).

These Places are garrison'd from *England*, not always alike, but as the interchanges of Security or Danger make it expedient. At present, a Season of general tranquillity, we have only five companies of Invalids. In worse times, it has been usual to allow to *JERSEY* and *Guernesey* jointly one entire Regiment, *viz.* to each a Battalion. Sir *Thomas Morgan*, coming to the Government at a particular Conjunction, brought us a gallant Troop of Horse, but none have been sent hither since (141).

Concerning the Militia, one is not to frame a notion of them from the Country-Train'd-Bands in *England*, to whom they are in nothing like. They more resemble Regular Forces, both in Habit and use of their Arms. 'Tis a Maxim with us, that every Man of competent Age, whether rich or poor, Gentleman or Peasant, owes Duty in Person; so that all here are Soldiers, with this difference only, that the better sort bear the Commissions, and are made Leaders to the rest.

This Militia consists of two Troops of Horse-Guards, five Regiments of Foot, and a Train of Artillery (142).

Our want of good Horses for the Saddle has been taken

notice of before. 'Tis not amiss therefore that we can mount two such Troops (143).

The Foot, before Sir *Thomas Morgan*, were all Independent Companies, and one only to a Parish, consequently over-large and unweildy. Having divided them, and of one made two or more, he formed them into three Regiments, all in Red Coats, the Martial Livery of *England*. Succeeding Governors have improved upon his Plan, and by multiplying the Companies have increased the Regiments from Three to Five. As the Companies are levied by *Vintaines*, so are the Regiments by Parishes, whereof Two go to make a Regiment, sometimes Three, for the sake of Equality, according to this Scheme.

To the First Regiment, *St. Oüen* (*), *St. Mary*, *St. John*.

To the Second Regiment, *Trinity*, *St. Martin*.

To the Third Regiment, *St. Saviour*, *Grouville*, *St. Clement*.

To the Fourth Regiment, *St. Helier*, *St. Lawrence*.

To the Fifth Regiment, *St. Peter*, *St. Brelade*.

These Regiments have their particular Colonels, Lieutenant-Colonels, Majors, &c. with a Company of Fuziliers to each, pickt and chosen Men. But how two Country Parishes, of no very great compass, should be able to furnish and set out one whole Regiment, is what (I believe) will surprize and astonish the Reader.

Five and twenty Field-Pieces of Brass, mounted on Carriages, with proper Tumbrels for the Ammunition, make up the Train of Artillery; commanded by a Colonel, two Majors, twelve Captains and Lieutenants, with a sufficient number of Gunners and Pioneers. These Pieces are kept in the Churches of the Parishes to which they respectively belong, and by which they are maintained, ready to be drawn out for Service to any Part of the Island, at a minute's warning (144).

Of all these Forces there is a general Review once a Year on the xxixth of *May* (145), in honour of the Happy

(*) *The Honour of the Right is given to St. Oüen, in respect to the Seigneur of that Name, who always used to be Colonel.*

Restoration ; and the Place for it is the fine sandy Bay betwixt the two Towns of *St. Helier* and *St. Aubin*, the line having in Front *Elizabeth-Castle*, and the Sea. When thus drawn up, the Horse on the Wings, the Infantry in the Center, the Artillery conveniently posted, and the Governor as General at the Head of all, giving his Orders by his adjutants, such a Body makes no contemptible Appearance ; and being unanimous in their affection to *England* and hatred of a *French* Dominion, would, 'tis presumed, behave not ill on a Day of Action. As for particular Reviews by Companies and Regiments, to exercise and discipline the Men, they are frequent, and in time of War almost Weekly (146).

Moreover for the safety of the Coast round the Island, in Places accessible to an Enemy, there are Guard-Houses built, and Batteries erected with one and fifty Eighteen-Pounders thereon, given by his Majesty King *William* out of his Stores in the Year 1692 ; and each Battery has its particular Captain, Gunners, &c. under the direction of the Colonel and Majors of the Train.

No mention has yet been made of the Lieutenant-Governor, nor indeed had we any properly such till of late years, that is to say, One of the King's own Appointment, and in the Pay of the Crown (147). He is instead of those Deputies and Commandants who had but a secondary and delegated Authority, and whose Perquisites arose from the Profits of the Government. This Officer seems created on purpose to supply the now customary Non-residence of the Governors, and is therefore supposed to be always present upon the Place.



CHAPTER IV.

Civil Jurisdiction.

As the Power of Arms and Military Command is in the Governor, or Lieutenant-Governor, so the sacred Trust of administering Justice, and protecting Men in their Civil Rights, is in the *Bailly* and *Twelve Jurats*. These constitute our Magistracy, of which the *Bailly* is the Head. He holds immediately from the King, whom he represents in Court; and there, in token of his independance (148), has his Seat raised above that of the Governor (*). The *Jurats* are his Assessors, not made like him by the King, but elected by the People. They are of King *John's* Institution, who seeing Justice dispensed here summarily and arbitrarily, by one who had the two Swords in his Hand, assisted only by the *Francs Tenans*, or principal Freeholders, following their opinions no farther than he listed, and holding Pleas no oftener than thrice a year, found it necessary, in lieu of Assistants of so little weight and significancy, to establish Twelve stated and permanent Judges, to sit with the Governor, and have such check upon him as that without their Consent and Concurrence he should be able to do no Judicial Act of any force (†). And when he, the said Governor, withdrew from meddling in matters of Contentious Jurisdiction, and turned those over, with the name of *Bailly* to another (as is said in the last Chapter) the same Trust with respect to the *Bailly*, remained in the *Jurats*, and so continues to this time.

These Twelve it pleased the King, in the Charter of their

(*) This precedency in the court was a point much disputed betwixt Sir John Peyton and the bailly Heraut, but by King James I. and his council adjudged to the latter. Every where out of court the governor precedes.

(†) And yet so long as the governor retained the nomination of the bailly, and of the ministerial officers of the court, as the procurator, &c. he still had no small influence over what passed there, which was remedied by Henry VII.

Election, to dignify with the Title of *Coronatores Jurati* (*); meaning thereby to have them partake of the power of two sorts of Officers, *viz.* the *Coroners* in *England* and the *Jurats* in *Gascony*; for here I take *Coronatores Jurati* to be a Compound of two Substantives, which is not unusual. The *Coroner* is an Officer unknown in *France* but *apud nos* (Anglos) says Sir *Henry Spelman* (†), *Officialis pervetustus est, ad tuendam pacem, et dignitatem Regiam, in quovis Comitatu, populi suffragiis constitutus, &c.* After the same manner speaks Lord Chief Justice *Coke* (‡), *This Office, says he, in ancient times was of great estimation, for none could have it under the degree of a Knight.* How it fell from that *estimation* does not concern us, those Twelve being instituted when it was in full credit and power. As for the name of *Jurats*, it's Original is from *Gascony*, that part of *France* which King *John* affectioned most, and where he maintained himself longest. And this is the name that adheres to our Magistrates, that of *Coroners* being dropt, and no longer mentioned. For thus all Orders from the Sovereign run at present, *To our trusty and well beloved, the Bailly and Jurats of our Island of JERSEY.* In the Language of the Country 'tis *Juréz*, but among the People they are more commonly stiled *Justiciers* (149).

Their business being not only to give hearing to Liti-gants, and decide Controversies of *meum* and *tuum*, as in most other Judicatories, but also to enforce on all Persons a general obedience to the Laws, to watch over the Public Tran-quillity, in a word, to extend their Care to every thing whatsoever conducing to good Order and Polity, they seem not unlike those *Twelve Nomophulaces*, in some *Græcian* Commonwealths, of whom we read in ancient Authors (§) (150). Nor has any other Magistracy, that I know, so enlarged a Jurisdiction; those manifold Powers being

(*) Constit. dom. Joham. Regis. Art. I. Constituit duodecim coronatores juratos, ad placita, et jura spectantia ad coronam custodienda.

(†) Glossar. in voce coronator.

(‡) Institut. Part. IV. Cap. LIX.—See also statut. an. 3 Ed. 1. cap. 10.

(§) Aristot. Polit. Lib. VI. Cicero de Leg. Lib. III. §. 20, Columel. Lib. XII. cap. 3.

united in them, which elsewhere are divided and parcelled out among Judges and Officers of various Denominations.

As *Coroners* (though the Name be disused) they are of Popular Election. The *Constitutions* will have them chosen *per optimates Patriæ* (*), which excludes from being Electors men of no substance or interest in the Country. I am sorry to say the Practice now-a-days runs too much to the contrary, whereby a great deal of abuse and corruption has crept into those Elections, and perhaps no evil amongst us calls louder for redress (151). However it be, the manner of chusing a *Jurat* in JERSEY is this. On the Death of any of them (and rarely otherwise than by Death does a Vacancy happen, by reason the Office is for Life) the court issues out an Act or Writ of Election, fixing the Day, which is always a *Sunday* (152), and appointing one of their own Body, or some other proper Person, to collect in every Parish the Suffrages of the People. The Writ is delivered to the Minister, who after Divine Service reads it from the Pulpit, and in few Words (if he sees fit) recommends to the Assembly the choice of such an one, whom, for his Knowledge and Abilities, his Integrity and love of Justice, his Zeal for the established Religion and Government, and the like, they deem most worthy, and best qualified for the Place. The People give their Votes one by one as they go out at the Church-door, and he who has the Majority throughout the Island is declared duely elected. Mr. *Camden* seems to have understood that each Parish must have its particular *Jurat*, because the Number of both is the same, *viz.* XII. But that is no rule with us. It often happens that a Parish has none, whilst another has two or more. And be it noted, that 'tis not for the sake of a Salary that this Office is ambitioned, for there is none at all belonging to it. What is chiefly sought in it, is Rank and Distinction, with the privilege it gives Gentlemen of having their own private Suits in Court more readily dispatched (153).

'Tis not necessary that all the Twelve should assist on every occasion. Many accidents would render the same

(*) Art. III.

impracticable. One sort of Business may be done by a less, whilst another requires the Presence of a greater Number ; and a Cause heard by a few, may be brought on again before a *Corps de Cour*, that is, before Seven, presumed equipollent to a full Body. But without the *Bailly* (or his Lieutenant) there can be no proceedings of any Kind. He is the Mouth and Organ of the Court. He presides in all the Debates, sums up the Opinions, and pronounces Sentence ; yet has no deliberative Voice himself, unless when, upon an equal Division of the Bench, he throws his Weight into one scale to end the Matter. But in case of a Majority, he is bound to follow it ; which hinders not his acting with less controul in other Affairs of daily occurrence. For after all, the Dignity and Prerogatives of his Place are very great, and command respect (154).

The whole Authority of Public Judgments residing thus in the *Bailly* and *Jurats*, there go next to constitute the Court diverse Ministerial Officers under them ; as *le Procureur du Roy*, or Attorney General ; *l'Avocat du Roy*, or Solicitor General ; *le Viconte*, or High-Sheriff ; *le Greffier*, or Clerk, who has the Custody of the Rolls and Records ; Six Pleaders or Solicitors at the Bar, stiled *Avocats de Barreau* ; two Under-Sheriffs, called *Dénonciateurs*, because 'tis their part to publish the injunctions of the Court ; and lastly, *l'Huissier*, or Usher, a necessary Attendant for the preserving of Order. To whom let me add, (though not properly a Member of the Court) *l'Enregistreur*, or Keeper of the Register for Hereditary Contracts ; which having first passed (*) the view of the Magistrate, must next, on pain of Nullity, be brought to this Officer to have an Entry made of them, whereto all Men may have recourse, no secret and unregistered sale of Lands or Rents being of any validity in this Island. All which Employments now named (saving the Three first, held by Patent) are at the disposal of the *Bailly*.

The Court thus composed, and every Person belonging to it, from the *Bailly* to the lowest Officer, sworn to a diligent

(*) Thence called *Passemens*.

and faithful discharge of the Duty of his Post ; the Court, I say, thus composed, is a *Royal Court*, having cognizance of all Pleas, Suits, and Actions, whether real, personal, mixt, or criminal, arising within the Island ; the case of Treason only excepted, and some other matters of too high a Nature (*) reserved to the King and the Lords of his Majesty's most honourable Privy Council, to whom alone this Court is immediately subordinate. Nor have the Courts of *Westminster* ought to do with us, or may any way intermeddle with our Affairs, though otherwise we greatly reverence them, as acting under the same Royal Name and Authority. The Truth is, we were never subject to those Courts, no not before King *John's* days, the Founder of the present Power and Jurisdiction within ourselves. The Governor held the Pleas, as has been said, and in extraordinary Cases Resort was had to *Normandy*, but never to *England*. In after-time, contentious Persons not acquiescing in the determination of the Magistrates here, sued for Evocations at *Westminster*, which were too easily granted, and Writs came over daily to summon People thither, till Vexations grew so great, and Complaints so loud, that a remedy was obtained in the beginning of the Reign of *Edward III* ; And accordingly when towards the end of the same Reign, an attempt was renewed to bring a Matter of Trespass from the Island into the King's Bench, the Court would not admit it, and decreed thus *Quia negotium prædictum in Curiâ hic terminari non protest, eò quod Juratores Insulæ prædictæ coram Justiciariis hic venire non possunt, nec de jure debent, nec aliqua negotia, de Insulâ prædictâ emergentia, non debent terminari nisi secundum consuetudinem Insulæ prædictæ ; idèo totum Recordum negotii mittatur in Cancellariam Domini Regis, ut indè fiat Commissio Domini Regis, cui vel quibus Domino Regi placuerit, ad negotium prædictum in Insulâ prædictâ audiendum et terminandum, secundum consuetudinem Insulæ prædictæ* (†). Hence the Great Lawyer (‡) from

(*) Casus nimis ardui. Constitut. Art. V.

(†) Mich. 42. E. 3.

(‡) Coke. Instit. Part IV. Cap. 70.

whom I have transcribed this Record, owns that *the King's Writ runneth not into these Isles*, the like exemption belonging to them all. For which another eminent Man of the same Profession (*), gives these two Reasons ; 1. *because, says he, the Courts there (in the Islands) and those here (at Wesminster) go not by the same rule, method or order of Law ; 2. because those Islands, though they are parcel of the Dominion of the Crown of England yet they are not parcel of the Realm of England nor indeed ever were ; but were anciently parcel of the Dutchy of Normandy, and are those Remains thereof which all the Power of the Crown and Kingdom of France have not been able to wrest from England.*

But though *the King's Writ runneth not into these Isles*, the same Great Lawyer observes from the foresaid Record, that his Majesty's *Commission under the Great Seal doth* (†), which we readily acknowledge, there being diverse instances of such Commissions issued forth both in former and latter Days, yet always upon urgent and uncommon Emergencies. And the Commissioners have been generally taken from the Chancery, or have been otherwise Men versed and knowing in the Civil Law, the service being thought to require Persons so qualified. Their coming suspends the ordinary Forms of Justice ; but first they must exhibit their Commission in Court, and have it there enrolled ; and then they can in no case concerning Life, Liberty, or Estate, determine any thing contrary to the advice of the *Jurats*, who are to sit, opine, and make conjunctive Records of their Proceedings with them ; and lastly, *they must judge according to the Laws and Customs of the Isles* (155).

Even *Acts of Parliament do not bind us, unless we be therein specially named* (‡). And when such Acts are to be notified to us, they come accompanied with an order of Council, to give them Sanction and Currency here (156).

(*) History and Analysis of the Common Law of *England*, written by a learned hand (supposed Lord Chief Justice *Hale*) published an. 1713 Chap. IX.

(†) Ut sup.

(‡) Idem ut sup.

Courts of Justice are supposed liable to err sometimes in their Judgments, and thereon is founded the liberty of Appeals. Here, a Decision by fewer *Jurats* on the Bench may be reviewed in a larger Assembly, as has been already noted. But if after that, the Party really or pretendedly aggrieved still declines submission to the Court, and will needs pursue the matter farther, his recourse must be directly to King and Council, under the following Regulations, *viz.* *That no Appeal for Moveable Goods, or Personal, Estate, be allowed, unless such Estate be of the value of three hundred Livres tournois ; nor for Inheritances or Real Estates, unless of the value of five Livres tournois per annum (*)*. If the Court denies to allow of the Appeal, then it becomes a Doleance ; concerning which 'tis likewise ordered, *That Doleances being of an odious nature as intended principally against the Judges, whose honour is to be maintained for the sake of Justice, in case the Complainant shall not make good his Doleance, his Majesty by the advice of his Council, will lay such Fine upon the Party failing, as the case shall require (†)*.

Nothing has been represented more to our disadvantage, and has done us greater discredit, than the frequency of those Appeals and Doleances, and their being for the most part about Interest comparatively of little moment. *Pudet hæc opprobria nobis* ——— It would indeed be happy, if every Sentence in the Island were so weigh'd, and well considered, as to stand the Test, and never need being reversed, when brought under examination in *England*. This would effectually discourage litigious Persons from importuning the Honourable Board, and raising a Clamour against the Justice of their Country (157). At the same time, God forbid that the poorest Man in the Island should not be heard, and have right done him, (where only he can apply for it) when oppressed by a wrong Judgment.

(*) Rules and Orders for administration of Justice, given at the Court at *Whitehall*, May 19. 1671. Art. XIV.

(†) *Ibid.* Art. XV.

In Criminal Causes there lies no Appeal. But in regard that our Laws did not explicitly distinguish between Manslaughter and Wilful Murther, and both were equally Capital, it was some time ago provided by a Rule from above, that where there does not evidently appear propense and deliberate Malice, the Court shall not proceed to sentence till the Fact be laid before his Majesty, and his Pleasure known (158). Praised be God, there has been very little occasion for that, or for animadverting on other Crimes punishable with Death. A public Execution is not seen here in many years.

Whereupon I cannot but add this remark, that the Case of Treason, excepted from the Cognizance of the *Bailly* and *Jurats*, affords no instance, and is a Crime utterly unknown and unheard of, amongst us (159). True it is, that during the bloody Quarrel betwixt the Houses of *York* and *Lancaster*, two Gentlemen who had some concern in this Island, came unhappily under the imputation thereof. One was *Jeffrey Wallis, Seigneur de St. Germain, a Lancastrian*, and Retainer of the great Earl of *Warwick*, with whom he fell at the Battle of *Barnet*, fighting against *Edward IV*, for which his Memory was attainted, and his Estate seized. The other was *Sir Richard Harliston*, once Governor of this Island, where also he had made some purchases, a *Yorkist*, deluded into a Defection from *Henry VII*, which caused his ruin. They were neither of them properly of the Island, so that nothing they did, or suffered can be charged to our account; and bring a reproach upon us.

To return to the Court; though there is but one Tribunal, and the Judges always the same Persons, yet by reason of the great variety and diversity of Causes, some requiring one Method of proceeding, some another, some more, some less considerable, the Court is necessitated to assume Four distinct Characters or Denominations; and as it alternately acts under them, is called, either *la Cour d'Heritage*, or *la Cour de Catel*, or *la Cour du Billet*, or lastly *la Cour du Samedi*; of each of which something must be said.

La Cour d'Héritage, the first and most solemn of the Four, is so named, for that it admits of none but Hereditary Matters to be treated and discussed in it; as Partitions of Estates betwixt Co-heirs, Differences among Neighbours about Bounds, New Disseizins and Intrusions on other Men's Lands, Pre-emptions between Kindered (*) which we call *Retrait Lignager* (160) (*retractus consanguineorum*, and *jus protimeseos*) the Property of Rents (†) due for Tenements or Lands let in Fee-farm (*reditus fundiarius*) and other things of the like nature. The opening of this Court, on the first day of it, which is usually a *Thursday*, is with a great deal of Circumstance and Formality. The Governor, the *Bailly* (or their Lieutenants) and the *Jurats*, enter the *Cohue* with the Royal Mace carried before them, and surrounded by a Guard armed with *Pertuisans*. The Bench must be full that Day, nothing but real Sickness, or absence from the Island, being allowed in excuse for a *Jurat* who does not then appear in his Place. Seven is the least Number required to keep the Court. All Gentlemen, holding Fiefs of the Crown by that Service called in Records *Secta Curix* must be there also, and answer to their Names, or be fined. Some of these Fiefs being in the King's hands, the Governor answers for his Majesty. The Advocates renew their Oaths. The *Provots* and *Serjeants* who are inferior Officers belonging to the Revenue, attend to give an account of all Echeats, Forfeitures, and other Casual Profits and Emoluments accrued to the Crown, if any such there be. There likewise Political Ordinances, made for the good government of the People, are confirmed and continued, or if need be, abrogated, and new ones made (161). Against the rising of the Court there is a handsome Entertainment provided by the King's Receiver, where, besides the Governor and Members of the Court, those Gentlemen afore men-

(*) To preserve Inheritances in Families, the next of Kin has a right of *Pre-emption* in case of any Sale; or may redeem what is sold, by returning, the money to the Purchaser.

(†) A *Rente Foncière* is a Rent constituted on some certain particular Fund, be it House or Land; so that into whatever hand the Fund happens to fall either by Succession or Acquisition, the Possessor stands charged for ever, with the payment of the Rent.

tioned holding Fiefs of the Crown, have right to sit, and are therefore said in the *Extent* and other Records, *edere cum Rege ter in anno*, i. e. to eat with the King thrice a year. 'Tis said *thrice a year*, because we have so many terms, and this Court is the opening of every Term. After the first day, spent mostly in Preliminaries and Matters of Form, the Court goes upon Business every *Tuesday* and *Thursday* following, till the end of the Term, the Twelve *Jurats* assisting by turns, Three at least at a Time.

La Cour de Catel is (as the Name imports) for deciding disputes about Chattels, Moveables, and Arrears of Rents. For as at *Héritage* Rents are sued for without relation to arrears, so here the same are sued for with reference only to those Arrears, and may be so as far back as thirty nine years. But the great Business of this Court is the Adjudication of *Decrees*. Now a *Decree* with us is this. When a man has so involved himself in Debt, as to be unable to satisfy his Creditors, and is quite born down with Prosecutions, he publickly makes Cession of his Estate, which we call *renoncer*, i. e. to renounce, and the Estate is then said to be en *Décret*, i. e. subjected to a *Decree*. Whereupon all Persons interested, are by three Proclamations, and a fourth Peremptory, cited to come in, and insert in a List or Roll, kept open for that purpose, their several Demands, on pain of exclusion. After this, they are called in order, that is to say the last Creditor first, and so on retrograding. The last Creditor is asked by the Judge, whether he will substitute, and put himself in the place of the Cessionary, and take the Estate, paying the Debts that are of an older date than his, or give up his Demand. If he assents to the Substitution, the *Decree* is at an end, and the Estate is adjudged to him. If on the contrary he says, that he will rather lose his Debt than take the Estate on such condition, the Judge proceeds to him that stands next in order of Time, and so on retrograding still, and propounding the same Question to all, till so many have *renounced* and quitted, that the encumbered Estate being pretty well eased, some one be found who may with little or no loss venture upon it,

answering for the Debts that remain *unrenounced* ; and of such an one it is said *qu'il se fait Ténant*, i. e. that he makes or declares himself Tenant. It has been observed that more of those Debts are for Arrears of Rents, than for Money due upon Bond. A few years run of those unpaid, will soon eat out a small Estate overcharged with them. And concerning Bonds, 'tis likewise observable, that here they are not merely personal, as in *England*, but real, and carry an express *Hypotheca* or Mortgage on all Possessions moveable and immoveable of the Debtor ; so that a *Decreted Estate* is no less affected by them than by any other Demand upon it. This is our way of sharing a broken Estate among Creditors, wherein, instead of faring all alike, as in a case of Bankruptcy, the oldest Creditors have a vast advantage over the rest. How far this is agreeable to Equity, I shall not interpose my Opinion (162). At this Court also, and usually on the first day of it, Criminals and Malefactors, if there be any such, take their Trial (163) ; Proclamation being made before, that *Justice Royale*, that is to say, the pleas of the Crown, will be held that day ; whereat Seven *Jurats* at least must be present, if the Crime be Capital ; otherwise Three suffice for the Ordinary Pleas of *Catel*.

La Cour du Billet is an Extraordinary Court, first set up subsidiarily, when *Decrees* grew so frequent, and took up so much time as hardly to leave room for other Business. Whereupon Matters of less Moment, as Arrests, Distrains, Suits for Arrears of Rents not exceeding ten years, and the like, were removed and transferred to this New Court ; which is therefore named *le Billet*, because all Causes brought into it are heard in order, as they are set down in a *Billet* or Scroll affixed to the Court-gate, whereby all Persons concerned, inspecting that Scroll may know almost within an hour when they shall be called, without losing their time in fruitless expectation and attendance (164).

Lastly, *La Cour du Samedi*, or *Saturday-Court*, is another Extraordinary and Subsidiary Court, and properly but a Branch of the former. In Term-time it is appointed

principally for the King's Causes (*), and those of the *Jurats*, which are privileged, and not tied to the common rule of *Billet* : Out of Term, for Causes of Brevity, which will suffer no delay, as Causes relating to Navigation and Sea-affairs, Contracts betwixt Merchants, Breaches of the Peace, and other daily Occurrences that require no Solemnity, but may be dispatched *de plano*. And note, that when Sentence has been pronounced at *Héritage* or *Catel* (the two ancient Ordinary Courts) before less than five *Jurats* ; or at the Extraordinary Courts before less than Three (for Moveables of the value of fifty *Livres tournois* and upwards) the Party aggrieved may appeal before the Body of the Court, consisting of Seven at least ; *provided it be at the Charge of the Appellant, paying three Livres tournois to the Judge, one to each Jurat, the like to the Procurator, Viscount, Greffier, and Advocate in the Cause* (†). Which I mention on purpose to shew how moderate the Fees of the Law are with us, when a Re-hearing may be had before the whole Court at the small cost of about twenty Shillings *English Money* (165). They are the same, or rather yet lower, in all other cases and instances ; so that I make no doubt but more Money is given in *Westminster-hall*, in one great Cause only, than all our Advocates together get for their Pleadings in a Twelvemonth (166). 'Tis some comfort to a People, who are not rich, that they can have Justice without ruining themselves in the pursuit of it.

These Courts (except the *Saturday-Court*, held or intermitted as there is occasion) have their proper Times and Seasons for sitting. But instead of Four, as in *England*, we have only Three Terms. The *First* begins always the *Thursday* immediately before *Michalmas-day*, and is res-pited during the whole Month of *November*, that people may attend to sow their Wheat (‡), and gather in their

(*) That is, the Receiver's Causes, suing for Rents due to the King, which by his Majesty are allowed to the Governor, of whom the Receiver farms them.

(†) Rules and Orders of May 19. 1671. Art. XIII.

(‡) Corn here does not lie in the ground so long as in *England*, being sown later, and reap'd sooner.

Fruit for making of Cider (167). The *Second* begins the next *Thursday* after *St. Maurus* his Day, *January 15*, and is very short, for it shuts up early in *February*, that being the time for cutting the *Winter-Vraic*, and spreading it on the Land; a laborious but most necessary Work, for 'tis in effect fetching Bread out of the Sea. That, together with turning up and preparing the ground for the Summer-Corn, employs all hands in *March* and part of *April*. The *Third* and last begins the *Thursday* next after *St. George's* day, and continues till *Midsummer*, when the long Vacation follows, in which there is no Pleading, unless some Causes, that could not be dispatched during the Term; be put off to the first or second Week in *September*, Harvest being then over; and these Causes will sometimes take up the remainder of that Month, till *Michaelmas*-Term begins the round again. This account of the Terms shews they were not hit upon by chance, but with great wisdom and design calculated for the ease and convenience of the People, and the manner of living in this Island. They intrench as little as possible on any Business of necessary and general concern. Where it is otherwise, Justice loses its name, and turns to Oppression.

And now leaving these different Denominations the Court at times goes under, we must return to consider it as but One, and speak of the Laws which are to be the Rule and Measure of its Judgments. But surely none will expect I should enter into a Detail of those Laws, though it has been often wished that a Collection were made of them, and in it the several Particulars distinctly noted wherein they vary from the Laws of *England* (168). Such a Work, done by an able hand, would be of good use, in regard that not only all Causes and Suits within the Island, whether by the ordinary Judges, or extraordinary Commissioners, from *England*, but Appeals also before the Council-Board, are to be determined. *secundùm Leges et Consuetudines Insulæ*; which laws and customs being little known out of the Island, 'tis scarce possible but Judgment must sometimes be given contrary to the same. Peradventure there

may arise hereafter some Worthy Person equal to that Task. 'Tis enough for me to observe in gross that our Laws may be reduced under these Four Heads.

1. The Ancient *Custom of Normandy*, as it stood before the Alienation of that Dutchy in the time of King *John*, and was contained in an Old Book, called in the Rolls of the Itinerant Judges, *la Somme de Mançel*, that is, *Mançel's Institutes* (*) (169). For whatever Changes have since that time been introduced into the said *Custom* by *French Kings*, or *French Parliaments*, they can be of no force here. This is to us what the Statute-Law is in *England*.

2. Municipal and Local Usages, which are our Unwritten and Traditionary Law, like the Common Law in *England*.

3. Constitutions and Ordinances (†) made by our Kings, or their Commissioners impowered thereunto under the Broad Seal; together with such Rules and Orders as are from time to time transmitted to us from the Council-Board.

4. Precedents, and former Judgments recorded in the Rolls of the Court. These last indeed cannot in strict and proper sense be said to be Laws, wanting the Royal Authority, without which nothing can be Law. Nevertheless great regard is had to them in similar Cases. The same may be said of such Political Regulations as are made by the Court, or the Assembly of the States, like those set forth by other Bodies Corporate for the good of those Societies (170).

Which Political Regulations put me in mind of those Officers to whom the Execution of them is committed in every Parish throughout the Island. The chief is the *Constable*, an Officer of incomparably better account and repute with us than in *England*, as being always one of the most distinguished Persons in the Parish for Estate and other proper Qualifications, and chosen by the Votes of the

(*) *It was never my good fortune to meet with this Antient Book, nor perhaps is it now extant. The Grand Coustumier, set forth by Kouillé and printed at Rothen in Gothic Characters an. 1539. is the freest from French Innovations. Terrien is next. Berault and Basnage are too modern.*

(†) *As those of Henry VII, Queen Elizabeth, &c.*

People in like manner as a *Jurat* is chosen. The Office is Triennial, but some continue in it longer, and to those who discharge it with honour it is a step to the Magistracy, there being few on the Bench that have not first passed through that Employment, as a sort of Probation, before they mounted higher. The said *Constable* has entrance into the *States* (of which in the next Chapter) where he represents his Parish; and takes care of its interests. Next under him are two *Centeniers*, in the nature of his Substitutes or Lieutenants, to take his place, and Act in his stead, in case of disability by Sickness or otherwise. He has besides Twelve, or more, principal Householders for his Assistants, sworn to be always ready at his call when the Public Service requires it, thence termed *Sermentés*, or *Officiers du Connétable*. Two *Procureurs*, whose business is to assert the Rights of the Parish, and (if need be) to sue for them. The name of the Office answers to that of *Attorney*: But 'tis not necessary they should be professed Lawyers. Add to these a *Vintanier* over every particular *Vintaine*. By the vigilance of these Officers, Peace and Order are maintained in the Parish, lesser Offenders are checkt and corrected, greater Criminals are apprehended and brought to Justice, Public Rates, (when needful) are levied with equality, and all other things are done which are found conducing to the good government of the Community. In every Parish Assembly, if it be for Secular Affairs, the *Constable* presides, though a *Jurat* be present; if for matters relating to the Church, 'tis the Minister.

Speaking of the *Bailly*, it has been omitted, that he is the *Keeper of the Public Seal*, yet so that he cannot use it unless assisted by three *Jurats*. It is kept in a Purse, sealed with the Private Seals of the three *Jurats* who were at the last Opening. When occasion calls next, the *Bailly* delivers the Purse into the hands of the then assisting *Jurats*, who finding the Seals intire, break them open, and having done with the Public One, put it up again into the Purse, sealed as before, and return the same to the *Bailly*, or his Lieutenant. This Seal, with the right and power of using it for

confirming Contracts, and other purposes, was given us by *Edward I* ; and from the Antiquity of the Characters in the Inscription thereon (*), seems to be the very same Numerical Seal we received from that great King more than four hundred and fifty years ago, so carefully and religiously has it been preserved. See the Grant of it in the *Appendix Numb. VI.*

The Judgment-Hall where the Court sits, is called *la Cohue Royale* (†), and stands in the Town of *St. Helier*.

'Tis a large and handsome Fabrick, faced with *Mont-mado-Stone*, and fronting the Market-place (171). The Court sits below, and above are spacious Chambers for laying up the Records, for occasional Conferences, and for the Entertainment which the King's Receiver makes on the first day of the *Cour d'Héritage* (172).

(*) *S. Ballvie Insule de JERSEYE.*

(†) *Cohue is an old French Word, signifying in general the Place where Justice is administred, especially in Baillages, and the like Jurisdiccions. " Que les Baillifs et Vicontes soient diligens d'aller en Cohue dedans prime le premier jour de leur auditoire, et aux autres jours subsequens continuellement dedans sept heures de matin, et dedans deux heures de relevée, afin que le peuple puisse estre mieux et plus tost expédié." Ordonnances faictes en l'Eschiquier de Normandie, l'an 1383. Voyez Grand Coustumier, en la Chartre aux Normands, fol. xxvi. verso. In the modern French, it denotes a tumultuary assembly of People, talking together loud, and in confusion.*



CHAPTER V.

Convention of the States.

This is properly a General Council of the Island, wherein every Inhabitant is supposed present, either personally, or by representation. And as there may be a likeness of Polity and Government, where none is pretended of Dignity or Power, the name of *States* ought not to offend, because assumed in imitation of more August Assemblys. The Earl of *Clarendon* indeed at his being in JERSEY, hearing of a *Meeting of the States*, expressed some surprize at our use of the word, but found no impropriety in it, when he became acquainted with our Constitution. For many Ages past we have been in possession of this Honour, nor has the Crown ever denied to receive Deputations and Addresses from us in the name of *The States of his Majesty's Island of JERSEY*, the customary Stile on those Occasions. It will not therefore (I hope) be thought too great a presumption to say, that this *Convention* is an Image and Resemblance of an *English Parliament*, a picture of it in Miniature. It is composed of the *Jurats*, or Court of Justice, as the first and noblest Body ; of the *Clergy*, as the second ; and of the *Constables*, as the Representatives of their Parishes, by whose Votes those Communities are bound and concluded ; the *King's Procurator*, the *Viscount*, and the *King's Advocate*, though they represent no Estate, being also admitted *propter dignitatem* (173). This *Convention* cannot be held but by the consent of the Governor, or of his Lieutenant, who has a Negative Voice therein, as the Parliament cannot meet but at the Pleasure of the King, nor pass any thing into Law without his Royal Assent. The Bailly, or his Lieutenant, is the standing Prolocutor in these Assemblys, as the Lord High Chancellor and the Speaker are in the House of Peers and House of Commons. As there, so here, every

Member present has Voice Deliberative. No *States* can be held without Seven of each Body, at the least ; and in case of absence, he whose excuse is not allowed, is liable to be fined. Foreigners preferred to Benefices are excluded, unless naturalized (*) (174) ; it not being thought safe or prudent to trust Strangers with the Secrets of the Island till they have given good proofs of their affection to the Government they live under.

It is indifferent at whose Motion this *Convention* is called ; whether at the Governor's, when he would propose ought for the King's Service ; or at the Magistrates, when the Interests of the Island require such a public Consultation. But a mutual agreement there must be (175), and then the Day being fixed, the *Denunciators* (who are Officers of the Court) summon the Members. It has nevertheless happened, that a Governor, through wantonness of Power, has in the greatest urgency of affairs, if not absolutely denied, yet delay'd his consent to those Meetings, beyond all reasonable Time ; and has put a Negative upon their Deliberations, when there was no manner of ground for it. This was the Case under Sir *John Peyton's* administration, which (in conjunction with other Points in dispute betwixt him and the Bailly), created so much disturbance in the Island, that Commissioners (†) were sent over to make inquiry into those matters ; upon whose Report, it was by his Majesty in Council *July 2, 1619*, ordered as follows. *That if the Bailly or Justices shall require an Assembly of the States, the Governor shall not defer it above fifteen days ; except he have such cause to the contrary, either in respect of the safety of the Island, or our special Service otherwise, as he will answer to us, or to the Lords of our Council ; whereof he shall give as present advice, as possibly wind and weather may serve. And concerning the Governor's Negative Voice in the making of Ordinances, it*

(*) *The Court here claims and exercises a Right of granting Letters of Naturalization, but those to extend no farther than the Island. For 'tis not presumed they would intitle persons to the same privilege in England, where 'tis obtainable only by Act of Parliament.*

(†) *Sir Edward Conway, and Sir William Bird.*

is now also Ordered, that he shall not use his Negative Voice, but in such Points as shall concern our special Interest (176); the rather in regard that such Acts as are made in their Assembly, are but Provisional Ordinances, and have no power or property of Laws until they be confirmed by us. And this has been the standing Rule ever since.

The great Business of these Meetings, is the raising of Money to supply Public Occasions. For as in *England*, Money cannot be raised upon the Subject but by Consent of Parliament, so here, 'tis a received Maxim, that no Levies can be made upon the Inhabitants, unless agreed to by their Representatives assembled in Common Council (177). Nor have the *States* a power of themselves to create new Subsidsys or imposts; but only, upon extraordinary Emergencys, when the safety and defence of the Island requires it, or application must be made to the King by Persons sent over at the public Charge, to levy what they judge sufficient for those purposes, by fixed and equal proportions according to the Antient Rate. In these Assemblys, Accounts of the Public Receipts and Expences are stated and audited (178); Differences arising about the disposal and administration of the Church-Treasurys (*) are examined and determined; Works proposed to be done for the common benefit, are maturely weigh'd and considered; Deputys are appointed to carry up our Grievances, and sollicite our affairs at Court; Good and wholesome Ordinances against Profaners of the Lord's Day, Blasphemers of God's Holy Name, common Swearers and Drunkards, and other riotous and disorderly persons, are enacted under proper penaltys; and in a word, all other matters are transacted therein, as are thought most expedient to preserve the honour and reverence which is due to God and to Holy Things, the fidelity and obedience we all owe to His Majesty and those who act under his Authority, the Peace and Tranquillity, the Welfare and Happiness of the whole Island. And yet it must be confessed, that many of these things are of the Competence

(*) What those are will be explained hereafter.

and Jurisdiction of the Court. But our Magistrates deem it prudential to take the advice and counsel of the *States*, wisely considering that their Concurrence must add force and vigour to the like Sanctions (179).



CHAPTER VI.

Privileges.

By the grace and favour of our Kings, this Island enjoys many valuable, and some uncommon, Privileges ; and the Motives assigned for granting them, are these. 1. To reward our Loyalty and Fidelity to the Crown of *England*. We have merited these Privileges by our good Services. 2. To engage us to be loyal and faithful still. We can have no temptation, whilst we enjoy these Privileges, to wish for a change of Masters. 3. To better our Condition, which under the disadvantages of our Situation, would otherwise be most intolerable. There would be no living in this Island for *English Subjects*, without great Freedoms and Immunities ; which few would envy, if they knew at what price we purchase them.

Whoso looks into our History, which is but a continued Series of Dangers and Troubles, and considers how exposed we are to new and fresh Attacks upon every incident that may at any time occasion a War, will hardly think any Encouragement too great to keep in heart a People so circumstanced. Trade is the Life of an Island. A War destroys ours, and brings on a Charge equal to a Tax. A Man of several hundreds a year in *England*, is not so high rated to the Militia, as one here of but so many Scores. The very Poor suffer in proportion. For though their Poverty exempts them from finding Arms of their own, it does not excuse them from bearing the Arms of others, obliged to provide and maintain a certain number (180). They must by frequent Detachments keep Watch round the Coast, to prevent surprize, and repair to their Colours at

the sound of every Alarum (*); whereby the Labour of many days, which should subsist them and their families, is lost to them. I could urge much more, but let this suffice to shew how reasonable it is, that a People that must always stand Sword in hand as (I may say) ready to meet an Enemy who in few hours can come upon them, should have some Indulgence shown them, and by peculiar Grants and Concessions, be, in other respects, made as easy as their living in so ill a neighbourhood will permit. Frontier-Places are usually thus favoured. To be plain, if this and the other Islands are thought worth keeping, their Privileges ought to remain inviolate; there being the same Reasons for continuing those still, which prevailed for granting them at first.

What our Privileges were under our ancient Dukes, before and after the Conquest, to the Time of King *John*, or whether we had any at all distinct from the rest of our *Fellow-Normans*, cannot now be known (181). We claim no higher than that King's *Constitutions*, the Original of our present Liberties and Franchises. Succeeding Kings have enlarged and extended those *Constitutions* farther, and seem to have vied with each other who should most testify their approbation of our Conduct by Additional Favours. To enumerate their several Charters, and dwell minutely on every thing therein, would be tedious. In general, by them we are declared a Free People, subject to no Authority but what emanates directly and immediately from the Crown. 'Tis there said, that universally throughout the King's Dominions and Territories, *citrà vel ultrà mare*, we shall be treated, not *tanquàm alienigenae*, i. e. as Foreigners and Aliens, but *tanquàm indigenae*, i. e. as Native *Englishmen*; and this

(*) *The French Armies in Flanders, when the War is there, are mostly subsisted by the Southern Maritim Provinces of that Kingdom; which send whole Fleets fraught with Corn, Wines, Brandys, &c. to be unladed at Dunkirk, or other Ports thereabouts, for the use of the said Armies. Those Fleets, commonly of a Hundred Sailes, or more, decline the middle of the Channel, fearing to meet with English Men of War; and keeping close to their own Coast, pass betwixt it and these Islands. As oft as they appear, and specially if a Calm or contrary Wind detains them any time in Sight, they unavoidably cause an Alarum; because 'tis impossible for us to know, but they may be an Armament equipt against us. I remember two such general Alarums in one Week.*

alone includes many Points of great moment and importance to us in our Commerce, and otherwise. Instead of entring into a deduction of them, I beg leave to refer to Queen *Elizabeth's* Charter, in the *Appendix*, *Numb. VII*, where an Inquirer will find satisfaction. That excellent Princess, so justly admired for the Wisdom of her Government, is particularly noted for dispensing her Grants with a wary and sparing hand ; whilst others lavish theirs out so wantonly and undiscernedly, that to be ev'n loaded with them is no argument of Merit. Such a Queen's Charter therefore, so full and so ample, does us honour, at the same time that it confers benefits. For it shews that she distinguished us, and looked on our state and condition as deserving in a very singular manner her Royal Regard and Consideration.

Our Exemption from Parliamentary Aids, is not so properly a Grant or Privilege, as a natural and necessary Consequence of our being A PECULIAR OF THE CROWN ; agreeably to that Saying of a Great Man of the Law, cited once before(*), *That though we are parcel of the Dominion of the Crown of England, yet we are not, nor never were, parcel of the Realm of England.*

In every Charter from *Edward IV* inclusive, and successively downwards, there is a Privilege confirmed to us in common with the other Islands in this Tract, of so extraordinary a nature, and mentioned by Writers as so great a Singularity, that I cannot avoid enlarging upon it. But before I say more of it, let the Reader view the same in the Original. I shall for the reasons above, chuse to transcribe it from Queen *Elizabeth's* Charter, adding a litteral Translation.

— Cumque nonnulla alia Privilegia, Jurisdictiones, Immunitates, Libertates, & Franchisiæ, per prædictos Progenitores & Prædecessores nostros, quondam Reges *Angliæ*, & Duces *Normaniæ*, ac alios, præfatæ Insulæ (†) indulta, donata, con-

— *And, Whereas some other Privileges, Jurisdictions, Immunities, Liberties, and Franchises, have been indulged, given, granted and confirmed, to the aforesaid Isle (†), by our forementioned Progenitors and Predecessors, formerly Kings of*

(*) Coke.

(†) Viz. JERSEY.

cessa, & confirmata fuerunt ; ac à tempore cujus contrarii memoria hominum non existit, infrà Insulam & Loca Maritima prænominata inviolabiliter usitata & observata fuerunt ; de quibus unum est, quod tempore Belli, omnium Nationum Mercatores, & alii, tam alienigeni quàm indigeni, tam hostes quam amici, liberè, licitè, & impunè queant, & possint, dictam Insulam & Loca Maritima, cum Navibus, Mercibus, & Bonis suis, tam pro evitandis Tempestatibus, quàm pro aliis licitis suis Negotiis inibi peragendis, adire, accedere, commeare, & frequentare ; & libera Commercium, Negotiationes, ac rem Mercatoriam ibidem exercere ; ac tutò & securè commorari ; inde recommeare, ac redire toties quoties, absque damno, molestiâ, seu hostilitate quâcunque, in rebus, mercibus, bonis, aut Corporibus suis ; idque non solùm infrà Insulam, Loca maritima prædicta, ac præcinctum eorundem, verùm etiam infrà Spatia undique ab eisdem distantia usque ad visum Hominis, id est, quatenùs visus oculi posset assequi : Nos eandem Immunitatem, Impunitatem, Libertatem, ac Privilegium, ac caetera omnia præmissa ultimò recitata, rata grataque habentes, ea pro Nobis, Haeredibus & Successoribus nostris, quantum in nobis est, præfatis Ballivo & Juratis, ac caeteris Incolis, Habitato-

England, and Dukes of Normandy, and others, and have, from time immorial, been inviolably, used and observed, within the Island Maritime Places aforesaid ; One of which is, That in time of War, the Merchants of all Nations, and others, as well Foreigners as Natives, as well Enemies as Friends, may, and shall be permitted freely, lawfully and without fear or danger to resort, accede to, and frequent the foresaid Isle and Maritime Places, with their Ships, Merchandises, and Goods, as well to avoid Tempests, as to pursue their other lawful Affairs ; and there to exercise a free Commerce, Trade, and Merchandizing ; there safely and quietly to stay and remain ; and thence to return and come back at any time, without any Damage, Molestation, or Hostility whatsoever, in their Wares, Merchandises, Goods, or Bodies ; and that not only within the Island, and Maritime Places aforesaid, and the Precincts of the same, but also all-a-round them, at such Space and Distance as is within Man's Ken, that is, as far as the Eye of Man can reach : We approving and allowing the said Immunity, Impunity, Liberty, and Privilege, and all the Premises last mentioned, do, by these Presents indulge, and grant the same, for Us, our Heirs and Successors, as much as in

ribus, Mercatoribus, & aliis, tam Hostibus quam Amicis, & eorum cuilibet, per Praesentes indulgemus & elargimur, Authoritate nostrâ Regiâ renovamus, reiteramus, & confirmamus, in tam amplis modo & forma prout praedicti Incolae, et Habitatores insulae praedictae, ac praedicti Indigeni & Alienigeni, Mercatores & alii, per antea usi vel gavisii fuerunt, vel uti aut gaudere debuerunt. Universis igitur & singulis Magistratibus, Ministris, et subditis nostris, per Universum Regnum nostrum *Angliae*, ac caetera Dominia & Loca Ditioni nostrae subjecta, ubilibet constitutis, per Praesentes denunciamus, ac firmiter injungendo praecipimus, ne hanc nostram Donationem, Concessionem & Confirmationem, seu aliquod in eisdem expressum aut contentum, temerariè infringere, seu quovis modo violare, praesumant; et si quis ausu temerario contrâ fecerit, seu attemptaverit, Volumus & decernimus, quantum in nobis est, quòd restituat non solùm ablata aut erepta, sed quod etiam pro dampno, interesse, & expensis, ad plenariam recompensam & satisfactionem compellatur, per quaecunque Juris nostri remedia, severèque puniatur, ut Regiae nostrae Potestatis, ac Legum nostrarum contemptor temerarius.—

us lies, to the said Bailly and Jurates, and other Indwellers, Inhabitants, Merchants, and others, as well Friends as Enemies, and to each of them, and by our Royal Authority, do renew, reiterate, and confirm the same, in as ample form and manner as the said Indwellers and Inhabitants of the said Island, the said Natives and Foreigners, Merchants and others, have in time past used and enjoyed, or ought to have used and enjoyed them. We do therefore by these Presents, charge and strictly enjoin, all and every of our Magistrates, Officers, and Subjects, throughout our whole Realm of England, and other our Dominions, and places subject to our Government, wheresoever constituted, that they do not presume rashly to infringe, or any way violate this our Grant, Concession, and Confirmation, or any thing therein expressed or contained; and if any one dares, or attempts to do ought to the contrary, We will and command, as much as is in our Power, that he not only restore the things unjustly taken, but also that he be compelled, by any Remedies of Law, to make full amends and satisfaction for the Loss, Interest, and Expences, and be severely punished, as a presumptuous Contemner of our Royal Authority, and of our Laws.—

This is the Privilege. Add we now the concurring Testimony of good Authors, owning and asserting it in its full extent (182).

Mr. *Camden* speaks thus of it, though by a mistake he applies it to *Guernezey* only. *Veteri Regum Angliæ privilegio, perpetuæ hic sunt quasi induciæ ; et Gallis, aliisque, quamvis bellum exardescat, ultrò citròque huc sine periculo venire, et commerciâ securè exercere, licet ; i. e.* “ By an ancient Privilege of the Kings of *England*, there “ is here a kind of Perpetual Truce ; and how hot soever “ the War be, the *French*, and others, have free Liberty to “ come hither to trade, and to depart again in safety (*).

Mr. *Selden* urges this Privilege as an Argument to support his Hypothesis of the King of *England*'s Dominion over the Narrow Seas. *Neque enim facîle conjectandum est, undenam originem habuerit Jus illud induciarum singulare ac perpetuum, quo CAESARÆ, Sarniæ, cæterarumque Insularum Normannico Littori præjacentium incolæ, etiam in ipso mari fruuntur, flagrante utcunque inter circumvicinas gentes bello, nisi ab Angliæ Regum dominio hoc Marino derivetur. i. e.* “ 'Tis not easy to conjecture whence first “ sprung that singular Right (or Privilege) of Perpetual “ Truce, which the Inhabitants of *JERSEY*, *Guernezey*, and “ the other Islands adjacent to the Coast of *Normandy*, “ enjoy in the midst of the Sea, notwithstanding any War “ betwixt the neighbouring Nations round about them, “ unless it be derived from this Maritim Dominion of the “ Kings of *England* (†).

Dr. *Heylin*, after repeating almost *verbatim* what Mr. *Camden* had said before him of this Privilege, goes on ; a Privilege founded upon a Bull of Pope Sixtus IV, the tenth year, as I remember, of his Popedom ; Edward IV. then reigning in England, and Lewis XI. over the French. By virtue of which Bull all those stand *ipso facto* excommunicate, which any way molest the Inhabitants of this Isle of *Guernezey* (‡) or any which resort unto their Island, either

(*) De Insul. Britan. pag. 855.

(†) Mare Claus. Lib. II. Cap. XIX. et iterum Cap. XXII.

(‡) Here the Doctor follows Mr. *Camden*, in his misapplication of this Privilege to *Guernezey* only.

by Piracy, or any other violence whatsoever. A Bull first published in the City of Constance, unto whose Diocese these Islands once belonged, afterwards verified by the Parliament of Paris, and confirmed by our Kings of England to this day. The Copy of this Bull I myself have seen, and something also of the practice of it on Record; by which it doth appear, that a Man of war of France having taken an English Ship, and therein some passengers and Goods of Guernezey, made Prize and Prisoners of the English, but restored those of Guernezey to their liberty and to their own (*).

Even Strangers have acknowledged this Privilege, and entered it into their Books of Navigation and Commerce. Thus the Anonymous Author of *les Us et Coutumes de la mer*; printed at Rouen 1671, speaking of Prizes taken at Sea, says that a Prize is not good, *si elle a esté faite en lieu d'asyle ou de refuge, comme sont les Isles et Mers de GERZAY, et Grenezay, en la coste de Normandie; ausquelles les François et Anglois, pour quelque guerre qu'il y ait entre les deux couronnes, ne doivent insulter ou courre l'un sur l'autre, tant et si loin que s'estend l'aspect ou la veüe des dites Isles.* i. e. "if the Prize be made in places of Security and Refuge (places exempted and privileged) as are the Isles and Seas of JERSEY and Guernezey, on the Coast of Normandy; where the French and English, whatever War there be betwixt the two Crowns, ought not to insult, and in a hostile manner pursue each other, so long and so far as they have the said Islands in prospect and in view (†).

I can trace this Privilege no higher than Edward IV. Now that King could enforce it only on his own Subjects, which would not have answered the Design of it. The Consent of other Princes, especially of the King of France, and of the Duke of Bretagne, to bind it in like manner on their People, was equally necessary. It happened that those Powers lived at that time in (at least seeming) amity with England, which facilitated their Concurrence. But Edward

(*) Survey of the Islands. Ch. I. pag. 300.

(†) Part. III. Art. XXI. § 6

would not trust entirely to that. He applied to the Pope, whose Authority ran high in those days, praying him to strengthen the Privilege with his Censures on the Infringers of it. Whereupon the *Bull* was sent of which Dr. *Heylin* speaks, received with great respect by those several Princes, and by their order published with more than ordinary Solemnity in all the Ports of their Dominions lying towards these Islands; to the end none who navigated in these Seas might plead ignorance. The *Bull* lies now before me, contained in an *Inspecimus* of *Henry VIII*, under the Broad Seal of *England*. It shews in perfection the Stile of the Court of *Rome*, when its Anathemas struck Terror into all Men. For the sake of the Curious I have thrown it into the *Appendix*, *Numb. VIII*, it being too long to be inserted in this place (182).

If it be asked that we shew something of this Privilege upon practice in subsequent times, let the Facts and Examples following serve for Answer. *Anno 1523*, during the War betwixt *Henry VIII* of *England* and *Francis I* of *France*, a Ship of *Guernesey*, taken in the *Channel* by a Privateer of *Morlaix*, was, by order of the Count *de Laval*, Governor of *Bretagne* for the *French King*, released upon Plea of this Privilege. See the Count's Letter to the Magistrates of *Morlaix* in the *Appendix*, *Numb. IX*. *Anno 1524*, a Prize made by one *Pointy*, and brought into *JERSEY*, because taken within the Precincts of the Island, and therefore contrary to this Privilege, was, in an Assembly of the States, the Governor and King's Commissioners present, declared tortionary and illegal, and *Pointy* adjudged to make restitution (*) (183). *Anno*—while the Duke of *Somerset* held the Government of this Island, some *English* Privateers came into the Port of *St. Aubin*, and finding there several *French* Merchantmen trading under the security of this Privilege, would have made prizes of them, but were opposed by the Deputy-Governor, who protected the Merchants, and raising the Militia forced the Privateers to depart out of the Island †). *Anno 1614*, in a Plea before

(*) Acts of the States.

(†) Chron. MSS. de *JERSEY*. Ch. XXV.

the Parliament of *Bretagne*, in behalf of three JERSEY-Merchants taken by the *French*, the Court gave sentence that these Islands had the Privilege de *rester neutres pendant les guerres d'entre les deux Royaumes*; i. e. "to remain neuter" during the War betwixt the two Kingdoms." (*) *Anno* 1628, a Bark laden with goods from *St. Malo*, consigned to one *Baillehache* an inhabitant of JERSEY, was set upon in the Road by the Captain of an *English* Privateer, named *Barker*, who was ordered to restore the Bark, pursuant to this Privilege (†) (184). Lastly, in the greatest heat of the War about *Rochel* and the Isle of *Rhé*, the Hosiers of *Paris* and *Rouen* had free access to these Islands, and carried off many Bales of Stockings, as those of *Coutance* continued to do down to the Reign of King *Charles II.*; our Ports, whilst carefully watched and guarded against Hostilities; being open to all who came to trade with us in a peaceable manner.

Here then is a very notable Privilege, and (I think) abundantly proved; if Charters, Broad Seals, the Judgments of Courts on Record, and Books, are allowed in proof of any thing. And though at first sight, this Privilege looks as if calculated only for the good of these Islands, no doubt but the neighbouring consenting Powers likewise found their accompt in it; Neutral Ports being of common and general benefit to Nations. *Richard III* indeed had got into his head (as all Tyrants and Usurpers are suspicious) that the *Bull* obtained by his Brother *Edward*, and the Indulgence granted to these Islands, might be *prejudicial to him and his Kingdom*; insomuch that he issued out a Commission to make enquiry, which *Rymer* has published (‡). But nothing appearing to have followed thereupon, 'tis plain he found no ground for such an apprehension. As for the Pope's part in this affair, he could not deny his Protection to the Church

(*) This Plea is in print:

(†) In the Rolls of the Court.

(‡) *Rex dilecto &c.*—Cum quædam Bulla, tempore Domini Edwardi nuper Regis Angliæ quarti, pro utilitate incolarum infra Insulas nostras de GERSEY et Guernezey obtenta fuerat, quæ forsan nobis et regno nostro redundare posset in præjudiciũ.—Nos vobis auctoritatem et potestatem per præsentis damus et committimus ad inquirendum &c. *Fœdera*. Tom. XII. pag. 269.

and Church-men in these Islands and the adjoining Continent, whose Case at that time stood thus. We of the Islands were under the Jurisdiction of a Foreign Bishop, the Diocese of *Coutance* not being as now confined within the Mainland of *Normandy*, but extending itself to us, and taking us in. The great *Norman Abbots* had the Advowson and Impropriation of all the Churches here, with other Estates besides in Land (185). So then, the Clergy must of necessity go over to *Coutance* for Orders and Institution, or for other matters occasionally to be transacted with their Diocesan. Thither also must Appeals from the Bishop's Commissary be carried. The Abbots must have their Stewards and Agents going and coming to collect their Revenues, and manage their respective interests. But how could this be, without a Communication kept open between the Islands and the Continent, even in time of War? They likewise whom a mistaken Devotion brought hither to visit pretended Holy Places, and Privileged Churches (for we were not without such) (*) must pass and repass unmolested. These things being laid before *Sixtus IV*, no wonder if he thundered as he did against all who should obstruct the Navigation to and from these Islands to the cutting off the Intercourse betwixt a Pastor and his Flock, and to the manifest injury of so many Religious Persons concerned in the Freedom of these Seas. So long therefore as the Censures of *Rome* were dreaded, there was an undisturbed ingress and regress here for all, even Enemies, who came unarmed. And such for a good space, was the state of things in these Parts; which also coincided with those peaceful Times spoken of in the First Chapter, when the *French* were wholly intent on their Conquests beyond the *Alps*. But now followed a great Change. *Henry VIII* quarrelled with the Pope, and seized on all the Possessions of the *Norman Abbots* in these Islands, who after that had no farther business here. He left us indeed under the Bishop of *Coutance*, but the ensuing Reformation by

(*) From the Church of St. Peter-Port in Guernezey being specially named in the Bull, I should guess it to have been such a Privileged Church.

Edward VI and *Queen Elizabeth* threw him out too. Then did the *French* begin to be troublesome again on their return from their Wars in *Italy*. And so the Foundations sinking, on which this Privilege had been first built, and on which it mainly stood, it shook, yet fell not all at once. In Disputes about Prizes, it was sometimes appealed to with success, as in the Instances above, but was oftner disregarded. We have it perpetuated in all our Charters, though with small hopes of receiving any advantage even from That; and perhaps we ourselves have put a bar to all future Claims and Pretensions to it, by our Privateering in the late Wars (186). In short, like many other antiquated things, it seems to have no place or being now but in Books and Parchments; and 'tis principally out of respect to those Learned Men, who have done us the honour to take notice of it as a great Rarity and Peculiarity of these Islands, that I have said so much about it.



CHAPTER VII.

Religion.

There are still to be seen in this Island some Old Monuments of Paganism. They are great flat Rag-Stones, of vast bulk and weight, raised three or four foot from the ground, and born up by others of a less size. We call them *Poquelayes*, a Word I can hear of no where else, and therefore take it to be purely local. But these *Poquelayes* are indubitably the same with the *Cromlechs*, so accurately described, and largely accounted for, by Mr. Rowlands in his *Mona antiqua restaurata* (*), and Mr. Toland in his *Specimen of the Critical History of the Celtic Religion* (†), besides what is said of them by others. They are found more or less in all these Parts of the World, where the Superstition of the *Druids* those famous Priests among the ancient *Celts* (‡) and *Britons*, obtained before the days of Christianity ; and are the Altars whereon Sacrifices were offered by them, not of Beasts only, but of Living Men also, as *Cæsar* (§), *Tacitus* (||), and all Historians bear witness. Now, because in this Island, these *Poquelayes* or *Cromlechs* are generally erected on eminences near the Sea, I was inclined to think them dedicated to the Divinities of the Ocean. But herein I stand corrected by Mr. Toland, who having seen my Book, observes, that *the Culture of the inland Parts is the reason that few Poquelayes are left, besides those on the barren rocks and hills on the Seaside ; nor is that Situation alone sufficient for entitling*

(*) First Essay. Sect. VII. pag. 47 &c. Second Essay. pag. 213 &c.

(†) Collection of Posthumous Pieces. Vol. 1. pag. 96 &c.

(‡) The Celts were those Gauls who possessed the Country betwixt the Seine, the Rhine, and the Garonne ; and these Islands being comprized in that Division, it follows that we also are Celts in our Original, consequently involved in the same cruel superstition.

(§) De Bello Gallico. Lib. VI.

(||) Annal. Lib. XIV.

them to the Marine Powers, there being proper Marks to distinguish such wheresoever situated (*). I must own this animadversion to be just, being apprized that here and there in this Island, one meets with a Field, or enclosed ground, bearing the name of *le Clos de la Poquelaye*, an evident sign and token that on the same Spot, there formerly stood one of those Altars, since removed and carried away to make room for the plough. Mr. *Poingdestre* judged them in all more than half a hundred, so that in proportion to the bigness of the Island, they must have been as numerous here as in the Isle of *Anglesey* itself, which was the chief residence of the *Druids*. The present Age, being very inquisitive into such Antiquities, it will not (I presume) be disagreeable to the Reader, to have three or four of the most intire of these *Poquelayes* presented to his View in the Notes (†); an ingenious Friend having at my request

(*) Ut sup. pag. 99.

(†) In the Parish of *St. Helier*, at a place called *le Dic*, and on an artificial rising ground, there are no less than three of these Altars contiguous to one another. The Upper-Stone of the First and principal, measures in length fifteen foot, in breadth six and a half, in thickness four, and has three Supporters. That of the Second, to the East of the First, is twelve foot long, two and a half broad, and Betwixt two and three thick. The Third, to the West, lyes flat on the ground, seven foot long, and two broad. On the North are four other great Stones lying along the side of the hillock. From the Ruins I should guess this to have been one of the *Druidish Temples*, which were only Orbicular rows of Stones, inclosing within the area one or more Altars, whereon they sacrificed *sub doi*——In the same Parish upon *St. Helier's Hill*, is another of these Altars, supported, as before, the incumbent Stone fourteen foot long, seven and a half broad, and three thick. Near it was a Circle of other Stones, whereof one only remains, the rest having been broken to make a wall hard by (187)——Another again in the same Parish, on the height of a noted place called *le rouge Bouillon*, eleven foot and a half long, ten broad, and two thick, with other Stones lying scattered about the same——Near *Mont Orgueil Castle*, there is one on five Supporters which exceeds the rest, being fifteen foot in length, ten and a half in breadth, three and a half in thickness. With its weight it has made the Supporters sink so deep in the earth, that one must creep to go under it.——I shall mention but one more of these Monuments, differing somewhat from the former. It consists of one and twenty Stones, set on end in the form of an Oval. Within this Oval are fourteen others in two strait rows, seven of a side, which sustain three large Flags, each six foot in the Diameter, so that the said Flags, lying close and touching one another, may be supposed to have made one Altar eighteen foot in length. Now this also I take for a Temple, one I mean of the less sort. For 'tis observed that those Temples of the *Druids* differed in magnitude, as Christian Churches do now. It stands near *Rosel-Haven*, on a Cliff or Hill, called *le Couperon*; and into the side of the same Hill are Caverns wrought, leading into one another, the entrance three foot high and two wide; but for what use intended I am not

taken the Dimensions of them with great exactness. I would only add, that the Sight of those Barbarous Altars, which have so often been besmeared and seen smoking with Human Blood, should remind us and others among whom they still subsist, of God's infinite grace and mercy, in extinguishing so hellish a Superstition by the Gospel of his Son. The *Romans*, though themselves Idolaters, yet abhorring Human Sacrifices, did all they could to put a stop to them where they found them practised, giving no quarter to the *Druids* the Ministers of those execrable Rites. But the utter abolishing of them was reserved to be the glory and triumph of Christianity.

The first Providential step towards the Conversion of these Islands, was, the Migration of great numbers of Holy Men, Bishops and Priests, and a pious Laity, out of *Great Britain* into *America*, flying from before the face of the prevailing Heathen *Saxons*. Among those Fugitives, the most conspicuous, as for the Sanctity of his Life, so for the Eminence of his Character, was St. *Samson* (188), who had been a Metropolitan in *Britain*; but whether of *York*, or of *Menevia* (now St. *David's*) is so little agreed upon, that after all the pains taken by our most Learned *Usher* (*) to collect and compare Vouchers on both sides, the matter remains in obscurity. That he was a *British* Archbishop, and carried the *Pall* with him into *Armorica*, is certain, able to say; unless that, being so near the Temple, the miserable Victims were there shut up and secured till they were brought to the Altar, on the solemn Days appointed for Sacrifice.—I cannot yet end without taking notice of another extraordinary Stone, which I myself remember standing in a place called *les Landes Pallot*, not far from my House in the Parish of St. *Saviour*. It was a *Rocking Stone*, of the same nature with the famous one in *Scotland* demolished by *Cromwell's* Soldiers, and with others in *England*. This in my neighbourhood was roundish (as such must of necessity be) very big, and bearing on the natural Rock underneath with so just a Counterpoize, that a Child might stir it with a finger, when the united strength of many people could not move it from its place. Means however have been found (as I am informed) to cast it down, for the sake of the Splinters to be employed in building. But 'tis not known whether the same Artifice was used in poizing and ballancing it, which Sir *Robert Sibbard* says was discovered at the demolishing of the *Scottish Stone*. 'Tis thought these *Rocking Stones* were the Contrivance of the *Druids*, to make the credulous Multitude believe that they had the Power of working Miracles.

(*) *Britannicarum Ecclesiarum Antiquitates*. Cap. V. pag. 39, &c. Item Cap. XIV. p. 276. et in Indice Chronologico passim.

and confessed by all. His reception there likewise was answerable to the Rank he had held in his own Country, the See of *Dol* being conferred upon him, and in his favour erected into a Metropolis (*). And because the same was but of narrow Extent, unequal to the Dignity to which it was now raised, great Accessions were made to it by the Munificence of Princes (†). These Islands were then under the Kings of *France*, who had lately embraced Christianity; and *Childebert*, Son of *Clovis*, made a gift of them to *St. Samson*, for an Augmentation to his small Diocese; as we learn from *D'Argentré*, who affirms that he himself had perused the Writings of that Donation. *A cest Archevesque Childebert donna quelques Isles et Terres en Normandie* (‡); *Rimoul, Augie, Sargie, et Vesargie, qui estoit Isles en la Coste; car je trouve cela aux vielles Lettres* (§), i. e. “To this
 “Archbishop *Childebert* gave some Islands and Lands in
 “*Normandy; Rimoul, Augie, Sargie, and Vesargie*, which
 “were Islands on the Coast; for so I find in old Instruments
 “and Records.” That *Augie* was an ancient Name of *JERSEY*, has been shewn in the entrance of this Work. The other three therefore must be, *Erme, Sark, and Guernezey*; as some affinity remaining in the names plainly enough indicates. *Alderney* is not in the Grant, because too remote from *Dol*. In those days, albeit Christianity did already predominate, and Bishops were established in every considerable City, yet Paganism kept still and long its footing in Villages (||), and distant corners; the Territory of *Dol* particularly continuing to be so infected with it, that the remainder

(*) 'Till then the Bishops of *Armorica* had been Suffragans of *Tours*. *Dol* maintained itself in its new Dignity above six hundred years. After great and long contestations the same was restored to *Tours*.

(†) *Cest Evesché a plusieurs Benefices en sa Collation, voire semez et enclos aux autres Dioceses, qui luy ont esté anciennement donnez et attribuez pour reparer la petitesse de son estendue, et auctoriser le titre d'Archevesché. D'Argentré Hist. de Bret. Liv. I. Ch. XIX. fol. 65.*

(‡) 'Tis so called here by anticipation. Its name then was *Neustria*.

(§) *Hist. de Bret. Liv. I. Ch. XXVIII. fol. 114.*

(||) From *Pagus*, a Village, was formed *Religio Pagana*, as much as to say, the Religion of Villagers and Peasants. For among them Heathenism retreated, when banished out of Cities; and such even now are most tenacious of any Superstition they have once imbibed.

of St. *Samson's* Life scarce sufficed for the rooting of it out ; whereby it came to pass, that he could not give the attention he wished to the Care of these Islands, which devolved on his Successor. Nevertheless, in remembrance of him, when the Islands became Christian, a Parochial Church was built and dedicated to his Name in *Guernezey*, to this day called *l'Eglise & Paroisse de St. Samson*. He was a worthy Prelate, famous in his time (*). He subscribed to the III. Council of *Paris*, and finished his Course about the year 565.

Most of the Sees in *Armorica* were then filled with *British* Bishops, who had accompanied St. *Samson* in his flight ; but in his own Diocese and Metropolitan Dignity, he left his Nephew St. *Magloire* (a *Briton* likewise) to succeed him (†). And this was He whom it pleased God to make the happy Instrument of bringing these Islands, which *sate in darkness and the shadow of death*, to the Knowledge of himself. This Holy Man, the better to fulfill the work of an Evangelist, resolved to quit his Bishoprick ; and accordingly resigned it to St. *Budoc*, one of his Disciples. Then taking with him a select number of proper Assistants, he sailed for the Islands. *JERSEY* lies the nearest to *Dol*, however for that time he passed it by, and landed in *Sark*, which is some leagues beyond ; chusing that small Place for recollection and prayer, before he entered farther on his Ministry. And there he raised a little Monastery, or College of Priests, for a supply to the Islands in after-times, by whom I make no doubt but the *Word of Salvation* was

(*) On raconte de luy un grand nombre de Miracles, et l'Eglise Phonore le vingt-huitième de Juillet. *Fleury Hist. Eccles. Liv. XXXIV. Sect. 14.*

(†) St. *Magloire*, fut nommé par St. *Samson* pour luy succeder dans la Dignité Episcopale. Il estoit son parent, mais il est à croire que *Samson* écouta plus dans ce choix la voix du Ciel que celle de la chair ou du Sang. *Magloire* ne tint pas long-tems le Siege, il se nomma aussi un Successeur, qui fut *Budoc*, et se retira d'abord dans une dépendance de son Eglise, où il bastit un Monastere, et puis dans l'Isle de *GERSE*, où il en bastit un autre, et y mourut vers l'an 586. *Dom. Lobineau Hist. de Bretagne. Tom I. Liv. II. §. 196.*—*De S. Samsoue simul et S. Maglorio videantur Girald. Cambr. in Itener. Lib. II. Cap. I.*—*Andr. Saussay, in Martyrol Gallie. parte poster. fol. 774.*—*Laurent Surius in Vita Maglorii. Tom. V. ad Oct. 24.*—*Cum cæteris quos notat celeberr. Usserius loc. suprad.*

carried over to *Guernezey*, for I do not find that he himself was ever there in person. This little Monastery was still in being eight hundred years after, *viz.* in the Reign of *Edward III.*, as appears from an Accompt in the *Remembrancer's Office* (*) (189), mentioning an annual Pension allowed by the Crown; *Conventui Sancti Maglorii in Insulâ Sargiensi*, i. e. "to the Convent of St. *Magloire* in the Island of *Sark*." Having done this; he sailed again, and came to *JERSEY*; where by his powerful Preaching, his exemplary Living, and the mighty Works which God wrought thro' his means (if the Writers of his Life may be credited) he laboured so successfully, that the Governor (whom some call *Lojjescon*) and all the Inhabitants, renouncing Idolatry, were baptized into the Faith of Christ. The rest of his Life he spent in the Island, for here also he died, and was buried in a little Chapel hard by the Free-School in the Parish of St. *Saviour*. Of this Chapel the Foundations are still visible, and the School is from him called *l'Ecole de St. Magloire* corruptly *St. Manlier*. To proceed a little further in our account of one to whom under God we owe that we are Christians, his Body having rested in this Island upwards of two hundred and sixty years, *Nominoé* (al. *Neomenius*) who then reigned in *Bretagne* (for now *Armorica* was so called) would have it over, to reposit it in the Monastery of *Lehon* near *Dinan*, which he was founding (†). There it lay till the irruption of the *Normans*, for fear of whom the Religious fled with it to *Chartres*, higher up in the Country. From *Chartres* it had another remove some time after, being translated to *Paris*, where *Hugues Capet*, afterwards King

(*) Seen by Mr. *Poingdestre*, as I find in his papers.

(†) *Neomene fonda le Prieuré de Lehon, qui est près de Dinan, et fist rapporter le corps de St. Magloire, qui étoit ensevely en l'Isle, qui est l'Isle de JARZE, à la coste de Normandie, lequel appartenait à l'Evesque de Dol. Dargent. Hist. de Bret. Liv. II. Ch. XVIII. fol. 136. verso.—Nominoé fut le fondateur de l'Abbaïe de Lehon près de Dinan—et y avoit trouvé six Moines—leur avoit fait esperer qu'il leur donneroit un établissement s'ils pouvoient trouver quelque Corps Saint, et l'apporter en Bretagne. On regardoit en ce temps la ces sortes de larcins comme des actions d'un grande merite. Un de ces Moines alla en l'Isle de JARZE, où St. Magloire avoit esté enterré. Il persuada à ceux qui gardoient ces sacrées déponilles de les tirer de la terre, pour les apporter en Bretagne. Dom Lobineau Hist. de Bret. Tom. 1, Liv. II. § 62.*

of *France*, and Founder of the present Royal Race, caused an Abbey-Church to be built for its reception, bearing the name of *St. Barthelemy & St. Magloire* (*) (190). These extraordinary honours done to his Ashes, are not set forth here by way of approbation, but only for a proof of those eminent Virtues, and Zeal in propagating Christianity, which spread his Fame, and handed it down to the following Generations. The Day whereon he is commemorated, is *Oct. 24* (†)

That Heavenly Truth which he had prached, received farther confirmation from the coming of another Venerable Prelate amongst us. This was *Prætextatus*, Archbishop of *Roüen* in *Neustria*, whom *Fredegund* wife of *Chilperic* King of *France*, by violence and calumny had got to be driven from his See, and banished into this Island (‡). Finding here a Christian Church, yet in a State of Infancy, he would not be wanting to tender it, and promote its growth in Piety and Knowledge. His Exile lasted about ten years, whereby he had time and opportunity to exert his Charity towards us. All the while the People of *Roüen* lamented the absence of their Pastor, and called aloud to have him restored to them. He was so; but not long after, the cruel Queen sent an Assassin who murdered him in his Church, for which he is honoured as a Martyr (§), and *Orderic Uticensis* has this Distych on him,

*Occubuit Martyr Prætextatus, Fredegundis
Reginæ monitu, pro Christi nomine Jesu* (||).

Thus did Christianity gain entrance into these Islands, and that at a time when it was yet pure, unmixed with any

(*) *Paris ancien et nouveau par Le Maire. Tom. 1. pag. 356.*

(†) Il fit quantité de miracles, et mourut vers l'an 575, le vingt-quatrième d'Octobre, jour auquel l'Eglise celebre sa memoire. *Fleury Hist. Eccl. Liv. XXXIV. Sect. 14.*—This Historian gives him eleven years less of Life than *Dom Lobineau*. But 'tis scarce possible to adjust with a Critical nicety the Chronology of those Times.

(‡) *Gregor. Turon. Hist. Franc. Lib. V. Cap. XVIII.*

(§) L'Eglise honore Saint Pretextat comme Martyr, le vingt-quatrième de Fevrier. *Fleury Hist. Eccles. Liv. XXXIV. Sect. 52.*

(||) *Hist. Eccles. Lib. V. apud Du Chesne Norman. Scriptor. pag. 560.*

hurtful Errors, either in Faith or Practice. It was the same Christianity which the Old *British Churches* professed, antecedently to *Austin's* mission into *England* by *Gregory the great*. For they who first preached it to us, were themselves Ministers of those Churches. Bishop *Jewel*, 'tis well known, challenged the Adversaries of the Reformation to shew, though but in one single Point, that Popery (truely such) had any existence in the World for the first six hundred years after Christ. Our Conversion falls within those Years. It was wrought within that Period. Which I desire to have well noted, lest some, by confounding Times, go away with a notion, that our *St. Samson* and *St. Magloire* were belike such *Saints* as they whom *Rome* has canonized in latter Ages, and with whose forged Miracles the Popish Legends are filled. Those deserve the Honour, as much as These (or most of them) are unworthy of it. And yet even Those Good Men could not have their pious Labours for Religion transmitted to Posterity by Monkish Writers, without some allay of Fable and Fiction ; which an intelligent Reader will neglect, and rest on well attested Facts, or such at least as from collateral Circumstances have a fair appearance of Credibility.

The coming in here of the *Normans* followed the Establishment of Christianity ; yet not untill by length of Time it had sunk into the hearts of Men, and got strength to stand against the Assaults and Persecutions of those Barbarians ; concerning whom, and their declared enmity to Christ's Religion, I refer to what is said in the First Chapter. We have indeed but one Martyr remembered by name, of whom they made a Sacrifice to their Gods, *viz.* *St. Helier* (*) (191) ; but they who took so much delight in shedding Christian Blood, would hardly be satisfied with that of only one Holy Man amongst us. 'Tis owing to the darkness and remoteness of those Ages that we have no Memoirs of other Sufferers. Such Memoirs, if extant, would shew these Islands reeking with the Blood of the Inhabitants, and every Sacred Mansion therein made a heap

(*) See Chapter the First.

of rubbish. For how should we escape sharing in the common desolation of other Christian Countries about us in those calamitous days? But behold a wonder! of those same cruel Heathens and Persecutors, it pleased God to make Converts; briefly, to work such a Change in them, that they became a Religious People. I mean, as Religion then stood. For it had already lost much of its first Purity. Many Corruptions were already crept into it. The Zeal of Christians ran then chiefly upon building of Churches and Monasteries, and filling them with Relicks of Saints; in which the *Normans* quickly outdid all others (*), meaning thereby to atone for the havock they had made of so many Holy Places whilst they were yet Pagans. For one they had destroyed, they built two: Insomuch that no Province of *France* can vie with *Normandy* for numbers of Religious Foundations. *Rollo* their Chief, and first Duke, led the way (†); his Successors followed the example; and there was scarce a Man of Rank and Estate among them, but would be Founder of some House of Devotion.

In *JERSEY*, small as the Island is, there arose a goodly Abbey, that of St. *Helier* (‡); four Pories, viz. *Noirmont*, St. *Clement*, *Bonne-nuit*, and *de Lecq*; twelve Parish-Churches, of so solid a structure that Time has hitherto made little impression on them (192); and lastly, upwards of twenty Chapels, some now in ruins, others remaining on foot, whereof two are more especially remarkable. 1. *La Chapelle de Notre Dame des pas*, so called from a pretended Apparition of the Blessed Virgin, and the *print of her steps* in the rock whereon the Chapel is built. 2. *La Hogue-bie*, seated on a high artificial Mount, facing *Normandy*. *Hogue* is a word with us of the same general import as *agger* and

(*) Ut quamprimum Normanni Christo sunt regenerati, protinus pietatis operibus addictissimi extitere; necnon sacris ædibus extruendis, resarciendis, vel amplificandis, impensè animum dederunt, &c. *Neustria pia*, ad Gemet. Cap. XIV, pag. 301.—En ce Siècle là, la Religion était plus florissante en Normandie que dans la plupart des autres païs. Temoin la Pieté singuliere des Ducs, les Temples somptueux qu'ils firent édifier, &c. *Masseville. Hist. de Norm. Part. I. pag. 280.*

(†) Ecclesias funditus fusas statuit. Templà destructa restauravit, &c. *Dudo de moribus prim. Normau. apud Du Chesne. Lib. II. pag. 85.*

(‡) See Chapter the First.

tumulus in *Latin* ; but here more nearly answers to what in *England* is called a *Barrow*, i. e. a Pile of turf and earth raised with the hands on body or bodies of one or more illustrious Dead, slain in single Combat or in War. Of these *Hogues* we have divers in Jersey (*) (193) but this exceeds the rest, both in height, and in the Circumference of the *area* which it takes up. The Tradition concerning it and the Chapel above it, is, that a certain *Nornam* Nobleman, *Seigneur de Hambie*, being killed in this Island, his Widow caused this extraordinary Monument to be erected over him, and had it carried up to that height, purposely that from her Window in *Normandy* she might at all hours have a sight of the Place where the dear Man lay interred. The Chapel on the top, as it added to the height, and brought the beloved Object still nearer, so it served at the same time for Masses to be said therein for the Soul of the Deceased, according to the Superstition then in vogue. And thus far the Tradition has nothing improbable in it. For the *Seigneurs de Hambie* were well known in their time, and make a figure in the History of *Normandy*. They were Founders of the Abbey of *Hambie* (†), not far from *Coutance* ; and their Family name being *Paisnel*, latinized into *Paganellus* (‡), they communicated the same to a Fief which they possessed in this Island, still called *le Fief de Paisnel*. But there are other Circumstances accompanying the Story, which have too much the Air of Romance to be taken in here. The whole from the Latin MSS. will be found in the *Appendix Numb. X.*

Mr. *Poingdestre* indeed was of opinion, that this and the other *Hogues* in this Island were raised at the time that the *Normans* began their inroads into these parts ; and were intended for *Speculæ*, or Watch-hills to discover those

(*) But more formerly, which have been levelled for Culture of the Land, as the *Poquelayes* taken away for the same reason.

(†) *Neustria pia. ad Hambey. Cap. I. pag. 821.*

(‡) *Fulco Paganellus de Normanniâ, vir nobilis, et Willielmus frater ejus, &c Matt. Paris. Hist. maj. ad an. 1230. pag. 399.—Duo suere Paganelli, Fulco et Gulielmus fratres, Heroes, &c, Polyd. Vcrg. in Heur. III. Lib. XVI. pag. 299.*

Rovers at Sea, and give notice of their approach ; and that the Chapel was built afterwards by one *Mabon*, Dean of the Island, about the Year 1520. But I cannot see the necessity of such *Speculæ*, where the Land is so high as naturally and of itself to afford a free prospect all around. And 'tis from taking too slight, or too distant an observation of the Chapel, that the same learned Gentleman ascribes it to *Mabon* ; who ('tis true) made an addition to it, but such as is easily distinguishable from the more ancient Building. *Mabon* had been to visit the Holy Places at *Jerusalem*, and at his return thought that by setting up a Representation of our Lord's Sepulchre, he might excite a greater fervour of Devotion among the People. Accordingly he lengthned the Chapel to the East, and excavated a Place under the Altar, with Passages leading down to it, which imitated not ill the Repository of our Lord's Sacred Body, as *Sandys* and other Travellers describe the same. Our *Chronicler* represents this Man as a great Deceiver, who by feigned Visions and Apparitions in this Place, drew many Offerings to it, and no small gain to himself (*). In a word, it was the great Scene of Popish Superstition and Imposture, whilst that Religion had footing amongst us.

It has been shewn above how all these Islands, by the concession of a King of *France*, were annexed to the See of *Dol* in *Armorica* or *Bretagne*, which was a detaching them (at least as to Spiritual Concerns) from the Province to which they naturally belonged, *viz.* *Neustria*. But when about three hundred and fifty years after, another King of *France* yeilded up *Neustria* to *Rollo* and his *Normans*, and These fell out with the *Britons* about the Limits of their Territories and other matters, they would not suffer an Alien, and often an Enemy, to have any thing any longer to do here. They withdrew us from him, and placed us under a Bishop of their own, the Bishop of *Coutance* ; who being the nearest, was for that reason the fittest to have the superintendency over us. By the advantage of this mutual Neighbourhood, we sometimes enjoyed the Presence of our

(*) Chron. MSS. de JERSEY, Ch. 1.

Bishop, a happiness which in these latter Times we are unacquainted with. I have in my hands a Transcript from the Archives of *Coutance*, recording the Year and Day of the Consecration of every Church in JERSEY, which necessarily supposes the Bishop present on those Occasions (194). For I do not remember that the Power of consecrating Churches was wont to be delegated to an Inferior Minister. Under this Bishop we continued till the Reformation, notwithstanding our Separation from *Normandy*. Once King *John*, in a fit of anger for the loss of that Province, had resolved to transfer us to *Exeter* (*); but either changed his mind, or by his troubles was diverted from doing it. *Henry VII*, went farther, having actually procured a Bull from *Rome* to lay us to *Salisbury*, and then another (upon cancelling the first) to remove us to *Winchester*; yet neither of them took effect though the Bull for *Winchester* be entered in Bishop *Langton's* Register (†) (195). It may be seen in *Rymer* (‡), and likewise in the *Appendix Numb. XI*. 'Tis probable Queen *Elizabeth* took the hint from her Grandfather, when at length she fixed us in the Diocese last named. Now for the exercise of such Acts of Ecclesiastical Jurisdiction as he could depute to another, the Bishop of *Coutance* had in each Island of JERSEY and *Guernezey* a Commissary with a sort of Archidiaconal Power, but better known by the name of *Dean*; and if the Bishops of *Dol* had the same, which can hardly be questioned, the Office must be of the like standing here as Christianity itself. The said Dean, in executing his Commission, met sometimes with opposition from the Governor, and was forced to seek relief from the Sovereign, as in the instance below among the Notes (§).

(*) Rotel. Insular. in Spaccar.

(†) Fol. 20.

(‡) Foedera. Tom. XII. pag: 740.

(§). Claus. an. 23. Ed. I. m. 6, Cedula. Edwardus &c. dilecto & fideli suo Henrico de Cobham, Custodi Insularum—Quia accepimus quod Decanus Insule nostre de Genereye (*) predicte, super aliquibus que spectant ad Jurisdictionem suam in eadem Insula per vos hactenus extitit impeditus, quo minus eam exercere potuit vel debeat; Nolentes eidem Decano injuriari in hac par-

(*) The Transcriber of this Record has so misspelled the name of the Island that one knows not which of the two is meant, JERSEY or Guernezey.

Something also has been said of the great Possessions of the *Norman Abbots* in these Islands. It was the same in all, but I shall confine this account singly to *JERSEY*. Here then those Abbots were Lords of several good Manours, and had the Priories reduced to Cells and Dependances on their Houses. They were Patrons of all the Churches, and shared the Tythes of them all, leaving only a very mean and unequal Portion to those who ministered at the Altar. Which different Allotments will best appear by inserting the following Extract from the *Black Book of Coutance*, attested under the Episcopal Seal of that our then Mother-Church. Of this there is handed an old *English Translation* supposed to be made in the Time of *Edward VI.* or *Queen Elizabeth*, varying in some particulars from the *Latin*. I have set them one against the other, that he who will may compare them.

Universis præsentes litteras inspecturis, Officialis Constantiensis Salutem. Notum facimus quod nos ad requestam religiosorum virorum Abbatis & Conventus Sancti Salvatoris Vicecomitis, visitavimus, legimus, & inspeximus, atque visitari, legi, & inspicere fecimus, quendam librum in Domo seu Manerio Episcopali Constantiensi existentem, vulgariter Librum Nigram nuncupatum, in quo vidimus & legimus nonnullas Clausulas, Ecclesias, & Beneficia Insulæ JERSEY, & de eis cum præfato Libro Nigro collationem fecimus diligenter. Quarum quidem Clausularum tenor sequitur de verbo ad verbum, & est talis.

Ecclesia Sancti Breverlardi. The Church of St. Brelade.

<p>Patronus, Abbas, Sancti Salvatoris Vicecomitis, & percipit duas partes garbarum, & Rector sextam, Abbatissa de Cadomo - - - Abbatissa Vilmonasterij duodecimam.</p>	<p><i>The Patron thereof is the Abbot of St. Saviour Vicount, who have two parts of the Tythe-sheaves, the Minister the sixth part, the Abbess of Caen the twelfth part, the</i></p>
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te, vobis mandamus quod ipsum Decanum Jurisdictione sua pacifice uti permittatis, prout ea uti debet, et hactenus uti consuevit; Ita tamen quod nihil exerceat in prejudicium nostre regie dignitatis, nosque super causa inpedimenti predicti per vos eidem Decano sic illati in proximo Parlamento sub Sigillo vestro distincte et aperte reddatis certiores. T. meipso ap. Westm. XXVI. die Aug. an. Regni nostri vicesimo tertio. Vid. Ryley's Placita Parliament. in Append. pag. 468.

Rector item habet sex Virgas Eleemosynæ. Et valet dicta Ecclesia annis communibus triginta libras Turonenses.

Ecclesia Sancti Petri.

Patronus, Abbas Sancti Salvatoris Vicecomitis, & percipit medietatem garbarum, Abbatisa Cadomensis quartam garbam, & Abbatisa Vilmonasteriensis aliam quartam, exceptâ Carucatâ des Nobretetz. Rector percipit Novalia, et habet octo virgas terræ Eleemosynæ & valet triginta libras Turonenses.

Ecclesia de Trinitate.

Patronus, Abbas Caesarisburgi. Abbas Sancti Salvatoris Vicecomitis percipit sextam garbam, Abbas Caesarisburgi tertiam, & liberam decimam; Episcopus Auritanus medietatem garbarum. Rector percipit Novalia, & habet octo virgas Eleemosynæ; & valet communibus annis triginta libras Turonenses.

Ecclesia Beatae Mariae

Patronus, Abbas Caesariensis. Abbas Sancti Salvatoris Vicecomitis percipit sextam garbam, Abbatisa Cadomensis et - - - - quartam partem decimæ garbarum. Rector percipit tertiam

Abbess of the Monastery Villiers () the twelfth part. Besides the Minister have six Vergies of Almes ground. And the said Church one year with another is worth thirty livres Tournois.*

The Church of St. Peter's.

The Patron thereof is the Abbot of St. Saviour Vicount, who have half the Sheaves, the Abbess of Caen the fourth part, and the Abbess of the Monastery Villiers the other fourth, exceptâ Carucatâ of the Nobretey. The Minister have the Novals, and four Vergies of Alms, and it is worth thirty livres Tournois.

Trinitie Church.

The Patron thereof is the Abbot of Sherburg. The Abbot of St. Saviour Vicount have the sixth sheave, the Abbot of Sherburg the third, and the free Tythe; the Bishop of Avranch half the sheaves. The Minister have the Novals, and eight Vergies of Almes; and it is worth one year with another thirty livres Tournois.

The Church of St. Marie.

The Patron thereof is the Abbot of Sherburg. The Abbot of St. Saviour Vicount have the sixth sheave, the Abbess of Caen and of the Monastery Villiers every one of them the fourth part of the

(*) Villiers Canivet.

partem garbarum, & habet sexdecim virgas Eleemosynæ, & valet triginta libras Turonenses.

Ecclesia Sancti Johannis

Patronus, Abbas *Sancti Salvatoris Vicecomitis*, & percipit totam decimam, et Ecclesia ibidem Prioratus ejusdem Monasterij. Et sunt ibi duæ virgæ Eleemosynæ, & valet viginti octo libras Turonenses.

Ecclesia Sancti Audoeni.

Patronus Abbas *Sancti Michaelis in periculo maris*, & percipit ibi duas garbas, & quatuor libras Turonenses. Abbatisa *Cadom.* & *Monasterij Villers* duodecimam garbam; Abbas *Sancti Salvatoris Vicecomitis* sextam garbam. Rector habet quatuor virgas Eleemosynæ, & valet triginta libras Turonenses.

Ecclesia Sancti Laurentij.

Patronus, Abbas de *Blanchâ Landâ*, & percipit tertiam partem decimæ; Abbas *Sancti Salvatoris Vicecomitis* Sextam Episcopus *Aurensis* medietatem. Rector habet sexdecim virgas Eleemosynæ, & valet triginta libras Turonenses.

Tythe of the sheaves. The Minister have the third part of the sheaves, and sixteen Vergies of Almes, and it is worth yearly thirty livres Tournois.

The Church of St. John.

The Patron thereof is the Abbot of St. Saviour Vicount, who have the whole Tythe, and there is the Priory of the said Monastery. And there is twelve Vergies of Almes, and it is worth eighteen livres Tournois.

The Church of St. Ouen.

The Patron thereof is the Abbot of St. Michael in the danger of the Sea, who have two sheaves, and four livres Tournois. The Abbess of Caen and of the Monastery Villers every of them the twelfth sheave; the Abbot of St. Saviour Vicount the sixth. The Minister have four Vergies of Almes, and it is worth thirty livres tournois.

The Church of St. Lawrence.

The Patron thereof is the Abbot of Blancheland, who have the third part of the tythe; the Abbot of St. Saviour Vicount the sixth; the Bishop of Avranche the half. The Minister have sixteen Vergies of Almes, and it is worth thirty five livres tournois.

Ecclesia Sancti Salvatoris. The Church of St. Saviour.

Patronus, Archidiaconus *Vallis Viris* in *Ecclesiâ Constantiensi*. Et est ibi Vicarius (196) qui reddit Archidiacono annuatim viginti libras Turonenses. Dominus Episcopus *Constantiensis* percipit medietatem decimæ, Archidiaconus tertiam, Abbas *Sancti Salvatoris Vicecomitis* sextam. Et habet Vicarius viginti quatuor virgas Eleemosynæ.

The Patron thereof is the Archdeacon of Vallis Viriz () in the Church of Constance, And there is a Vicarie who giveth yearly twenty livres Tournois to the Archdeacon. The Bishop of Constance have half the Tythes, the Archdeacon the third, the Abbot of St. Saviour the sixth. And the Vicarie have twenty four Vergies of Almes.*

Ecclesia Sancti Clementis. The Church of St. Clement.

Patronus, Abbas *Sancti Salvatoris Vicecomitis*. Rector percipit quartam & quintam garbam; Abbas *Sancti Salvatoris Vicecomitis*, Abbatissa *Cadom.* & *Monasterij Villers* residuum. Et ibi viginti quatuor Virgæ Eleemosynæ, & valet quadraginta libras Turonenses.

The Patron thereof is the Abbot of St. Saviour. The Minister have the fourth and fifth sheave; The Abbot of St. Saviour, the Abbess of Caen and of the Monastery Villiers, the rest. And there is twenty four Vergies of Almes, and it is worth forty livres Tournois.

Ecclesia Sancti Martiniveteris. The Church of St. Martin's.

Patronus, Abbas *Cæsariensis*, & percipit ibi centum solidos de pensione. Rector percipit tertiam partem decimæ, et habet viginti sex Virgas Eleemosynæ. Abbas *Sancti Salvatoris Vicecomitis* sextam garbam; Abbatissa *Cadom.* & *Monasterij Villers* quartam partem; et valet septuaginta libras Turonenses.

The Patron thereof is the Abbot of Sherburg, who have a hundred Souce of pension. The Minister have the third part of the Tythe, and twenty six Vergies of Almes. The Abbot of St. Saviour Vicount have the sixth sheave; the Abbess of Caen and of the Monastery Villers every of them the fourth part; and it is worth seventy Livres Tournois.

(*) Vauvert.

Ecclesia de Grovillâ.

Patronus, Abbas de *Exaquo*. Percipit quartam garbam; Abbas *sancti Salvatoris Vicecomitis* sextam; Abbatissa *Cadom. et Monasterij Villers* medietatem. Rector percipit nonam partem, et habet duodecim Virgas Eleemosynae; et valet communibus annis quinquaginta libras Turonenses.

Grouville Church.

The Patron thereof is the Abbot of *Lassey* (*) who have the fourth Sheave; the Abbot of *St. Saviour* Vicount the sixth; the Abbess of *Caen* and of the *Monastery Villers* the half. The Minister have the ninth sheave, and twelve Vergies of Almes; and it is worth yearly fifty livres *Tournois*.

The Church of St. Helier.

The Patron thereof is the Abbot of *St. Saviour* Vicount, who have half the Tythe, and the Minister have of that half the fifth Sheave. The Abbess of *Caen* and of the *Monastery Villers* every of them the fourth part. The Minister have - - - Vergies of Almes, and it is worth forty Livres *Tournois*.

☞ Here the Latin Copy of this Parish is defective.

Quod autem vidimus et legimus, hoc testamur. In cujus rei testimonium Sigillum magnum Curiae Episcopalis *Constantiensis* presentibus duximus opponendum. Datum *Constantiae*, Anno Domini millesimo quadringentesimo sexagesimo primo, sextâ die mensis *Februarij*.

These Copies having, in a long course of years, passed through the hands of many Transcribers, 'tis no wonder if there be found in them some Variations and Errors, which can hardly be rectified but by a new Collation with the Original at *Coutance*, if it were worth the while. Take them as they are, and they sufficiently shew how the Churches in this Island were impoverished and pillaged, to enrich with their Spoils the Religious Houses in *Normandy*. It might reasonably have been expected that the *Reformation* (towards which I am hastning) should have redressed this great abuse; so that when those Houses were stript of their Possessions here, the Tythes at least had reverted to their Primitive Designation; the Crown contenting itself with the Patronage of the Churches, and with the seizure of the

(*) De l'Essay.

Manours and Lands. Yet so it was not. All was alike swallowed up, and without distinction thrown into the Revenue ; Whereby the now Protestant Incumbents remain excluded from all Demands beyond the poor and scanty Proportions specified in the Extract above. But because there will be occasion to resume this Subject, I shall say no more of it at present.

If a People of themselves religiously disposed (which I beg leave to say has been some time our Character) are not there withal competently knowing and enlightned, they will naturally give into every thing that has a shew of Piety, be it never so idle and childish. Such was our State under Popery, no place being more overrun with little and low Superstitions than this Island. But the time was now come for this Darkness hanging over us to vanish at the Light of the Reformation, which in its beginning and progress with us kept pace with *England*. *Henry VIII.* quarelled with the Pope, rather than with the Pope's Religion ; and so, except his casting out those Foreigners who made a prey of us, he left things little better than he found them. In the Reign of his Son *Edward VI.* the Work proceeded, as more orderly, so likewise more vigorously, and the Glorious Day brightned upon us. The *English Liturgy* or, (as it was then more commonly called) the *Service-Book*, was translated into *French*, sent hither, and used in all our Churches (197). Under Queen *Mary*, the Mass was set up again ; but through a singular Mercy of God, the Persecution did not rage here as in other Places. While that Queen made Bonfires of Protestants in *England*, one *Richard Averty*, a Popish Priest in this Island, was hanged for Murther by Sentence of the Royal Court (*) (198). He was a great Enemy and Persecutor of the Married Clergy, but at the same time kept a Whore, who being brought to bed, the Wretch to conceal his shame murdered the Infant, unknown to the Mother. Whereupon he was apprehended, and in spite of all the opposition made by *Paulet* the Popish Dean (who would have had him convened before the Bishop

(*) Chron. MSS. de JERSEY. Ch. XXIX.

of *Coutance* as his proper Judge) suffered the Death he deserved. This must seem an Act of great courage and resolution in the Court, to any who considers the Power and Credit of the Popish Clergy in that Reign. It was not so in *Guernezey*, where such an inhuman barbarous Deed was committed, as the like is not to be met with in either ancient or modern Martyrologies. A poor aged Widow, and her two Daughters, whereof one named *Perrotin Massey* had married a Minister, who was fled for the security of his own Life, were condemned to be burnt for Heresy. The Minister's wife was big with child. When she came to suffer, her belly burst through the violence of the flame, and a lovely Boy issuing forth fell gently on the faggots. The Child was taken up, and carried to the Magistrates, who sent it back, ordering it to be thrown in with the Mother. The cruel command was obeyed, and the innocent Babe baptized in Fire (*).

But now came on the more happy days of good Queen *Elizabeth*, which restored to us True Religion, in a perfect agreement with the Church of *England*, and in the use again of the Liturgy, as in the time of her Brother. And it being a thing utterly inconsistent for a Protestant People to be under the Government of a popish Bishop, we were discharged from owning and acknowledging him of *Coutance* any longer. In the year 1565, which was the seventh of the Queen, I find two agents here from him, to lay before the Royal Court sundry Claims and Demands in his Name, as Ordinary of the Island; offering to give Institution to some Livings then void, on the Queen's or Governor's presentation, without regard to the old patrons the abbots. What answer the Court returned to the Message needs not be said; however, the bearers were treated and dismissed civilly. Then, or soon after, we had the Bishop of *Winchester* given us for our Diocesan (199).

In those same days, the Protestants in *France* being cruelly persecuted, the nearness of this Island invited many of their Ministers to take sanctuary here, first and last during

(*) Fox. Acts and Monuments, ad an. 1556. pag. 1763. &c.

the Reign of the Queen to the number of well nigh Fifty (*). The Cause for which they suffered spake too loudly in their favour not to procure them a kind reception. Some of them were men of distinction for Birth and Learning, and All so much superior to our own Clergy at that time in the Talent of eloquent and pathetic Preaching, which they had practised in *France*, that they grew into marvellous esteem. And had they pleased to acquiesce in the Established Order, and by their Example confirm the People in the just reverence that had thus far been paid to it, their coming amongst us would have been indeed a Blessing. For so effectually did they beat down every Superstition remaining, that in a little while not a Papist was left in the Island, nor has there been one ever since. But they were too great admirers of their own Way; in which if they were not permitted to go on, they sticked not to declare that they would retire, and bestow their labours elsewhere. To hear this, was very grievous to an honest well-meaning People, who feared to be left without a Supply of able Ministers to preach to them, the difference of Language making it impracticable to have assistance from *England*. In short these Strangers so wrought, that they got possession of the Church of *St. Helier*, the Town-Church, where the *Sieur de la Ripaudiere*, a principal Man amongst them, introduced their Discipline, ordained Elders and Deacons, and giving notice of a Solemn Communion to be celebrated on a certain day, after their manner, drew multitudes from the other Parishes to partake and join with them. Nor did this yet satisfie them. They prevailed with many of the chief Inhabitants, and even of the Magistrates (still fearing a desertion, and want of Ministers) to petition the Queen for leave to have all the other Churches in the Island modelled like unto *St. Helier*. This the Queen thought too much to grant. I am sure it was a great deal too much for them to ask. She therefore yielding only in part to their importunity, did limit and restrain her Indulgence to the single Church of which they were already possessed;

(*). Our MS. Chron. Ch. XXXIX, has preserved the names of two and forty of them.

strictly forbidding any Change or Innovation in the rest, where she would have the same *Order of Service which was ordained and set forth within her Realm* to be continued unalterably. And this her Pleasure she signified by her Council to the Bailly and Jurats, in the following Letter. After our very hearty commendations unto you ; Whereas the Queen's most excellent Majesty understandeth, that the Isles of JERSEY and *Guernezey* have anciently depended on the Diocese of *Constance*, and that there be certain Churches in the same Diocese well reformed, agreeably throughout in doctrine as it is set forth in this Realm : Knowing therewith that you have a Minister, who ever since his arrival in JERSEY, hath used the like order of Preaching and Administration as in the said Reformed Churches, or as it is used in the *French Church at London* : Her Majesty, for diverse respects and considerations moving Her Highness, is well pleased to admit the same Order of Preaching and Administration to be continued at *St. Helier's*, as hath been hitherto accustomed by the said Minister. Provided always, that the Residue of the Parishes in the said Isle, shall diligently put apart all Superstitions used in the said Diocese, and so continue there the Order of Service ordained and set forth within this Realm, with the Injunctions necessary for that purpose ; wherein you may not faile diligently to give your aide and assistance, as best may serve for the advancement of God's Glory. And so fare you well. From *Richmond* the 7th day of *August*, Anno 1565. N. Bacon. Will. Northamp. R. Leicester. Cul. Clynton. R. Rogers. Fr. Knols. William Cecil.

I am ashamed to say how the Queen's gracious Concession was abused. The Establishment in the other Churches, so expressly fenced and guarded by her Royal Command, was daily undermined. The People were taught to dislike in it, now one thing, and then another. By degrees the very Native Clergy suffered themselves to be led away with Prejudices against it, or perhaps to comply with what they could not help. So that in few years all Church-Order appointed by authority was subverted throughout the Island.

The like was done in *Guernezey*, whither a Duplicate of the same Letter as above, *mutatis mutandis*, had been sent to as little purpose. They who had it in their power, and whose duty it was, to have checkt these Novelties, to wit, the Governour in each Island, Sir *Amias Paulet*, in *JERSEY*, and Sir *Thomas Leighton* in *Guernezey*, were the most forward to encourage them; whether out of Principle, or affectation of Popularity, or a mean view of Self-interest in the Suppression of the Deanries (*) (200), which of course must fall with the Establishment. I will not determine. Perhaps all these might concur together. And now every thing being ripe for a thorough Change, and New Laws for an Ecclesiastical Regimen, excluding Episcopacy and Liturgy, ready concerted and prepared, a Synod of the Ministers and Elders of all the Islands was called to meet at the Town of *St. Peter Port* in *Guernezey*; where in presence of both Governors, those Laws received the Sanction which such an Assembly could give, and were set forth under this Title; *Police & Discipline Ecclesiastique des Eglises Reformées des Isles de JERSEY, et de Guernezey, Serk, et Oriny, arrêtées & couclues d'un commun accord par Messieurs les Gouverneurs des dites Isles, et les Ministres et Anciens, assemblez au Synode tenu à Guernezey, au nom de toutes lesdites Eglises, le 28me jour du mois de Juin, l'an 1576.* i. e. “The Ecclesiastical Polity and Discipline of the Reformed Churches in the Islands of *JERSEY* and *Guernezey*, *Serk*, and *Oriny*, unanimously concluded and agreed upon by the Governors of the said Islands, and the Ministers and Elders, assembled at the Synod held at *Guernezey* in the name of all the said Churches, on the 28th day of the Month of *June*, in the Year 1576.”

Thus were we drawn to depart from that Union with the *Church of England*, which was our Happiness and our Glory, to let in Presbytery; of which after a time we grew no less weary than we were fond of it before, as will be shewn by and by. There was then a Faction in *England*,

(*) The Deans had an Allowance out of the Tythes, which was a Draw-back upon the Revenue. So much Saving therefore there would be to the Governors, by the Suppression of the Deanries.

labouring to overthrow that primitive and beautiful Order, which with great deliberation and wisdom had been settled in the National Church at its Reformation from Popery. Nothing could please that Party more, than to hear of what was done in these Islands. It raised their hopes, and made them more insolent. As with People embarked in the same Cause, they must needs now open a Correspondance with us. To that end *Cartwright* and *Snape*, two fierce Incendiaries, and noted Leaders among them, were dispatched hither; whom the Governors entertained with great Kindness, making the first Chaplain of *Cornet-Castle*, and the other of *Mont-Orgueil*, to each of which Posts a competent Salary was annexed. In what Year precisely they came, and how long they staid, I cannot say. Mr. *Strype* finds *Cartwright* in *Guernezey* in 1595 (*), and I find them both there at the holding of another Synod in 1597; in which they sate, and to which they subscribed, at the head of all the Ministers, and next after the Governors; Sir *Anthony Paulet*, Son of Sir *Amias*, being the Governor of JERSEY. I make no question but this Second Meeting was brought about by the management of the two Agents above-named, in order to form a League or Association betwixt us and the *Puritans* in *England*, so that the *Polity and Discipline* might be the same both here and there. In this Synod accordingly, held from the 11th to the 17th of *October* inclusive, it received farther Sanction, and was confirmed by New Subscriptions of the Governors and all others present. It is digested into Twenty Chapters, and each Chapter into several Articles, but cannot come into this Work without swelling it too much. Whoso pleases, may consult a Translation from the *French* in Dr. *Heylin's Survey* with his *Annotations* (as he calls them) thereon (†). At the beginning of the Great Rebellion, when the Faction renewed their Attempts against the Church, they caused the *Polity* to be re-published, as the Pattern they meant to go by in their intended Reforma-

(*) Life of Archbishop Whitgift, Book IV. Ch. XIV. and Append. Numb. XXI.

(†) Chap. IV. and V.

tion. One meets with this now and then in private hands, the Title being a little altered, for there it runs thus ; *The Orders for Ecclesiastical Discipline.. According to that which hath been practised since the Reformation of the Church in his Majesties Dominions, by the antient Ministers, Elders, and Deacons, of the Isles of Garnsey, GERSEY, Sark and Alderney ; confirmed by the Authority of the Synode of the foresaid Isles.* London. Printed in the Year 1642 (201).

It was a bold Step in the Governors, not only to suffer those Unlawful Assemblies, but to countenance every thing done therein by their Presence and their Signature. I call them Unlawful Assemblies, because they met, and enacted Laws Ecclesiastical, binding the Subject, without the Royal Licence, nay directly contrary to her Majesty's Injunctions. And what seems more surprizing still, is, that this should be done under a Queen jealous almost to a fault of her Authority, and who ever looked on those New Reformers as a turbulent set of Men, dangerous to the State no less than to the Church, as in the event they proved. Would she allow of that in these Islands, which in other Parts of her Realm she pursued with all the Severity of her Laws? And yet so it is, that from thenceforth to the end of her Reign, no marks occur or can be traced of her Displeasure at what was acted here; and the Innovators went on as quietly in their Work, as if they had got a Warrant from her for all they did. Whence 'tis reasonable to conclude, that the whole Affair was artfully concealed and kept remote from her Knowledge. She put a special Trust in the *Paulets* (*), and never suspected them of remisness where they had power to make her obeyed, much less of being byassed by private and selfish Views to prevaricate with her.

Well nigh thirty years had we thus stood broken off from the *Church of England*, when King *James* came to the Crown. To whom it was most untruely, yet with an amazing assurance suggested, that the *Discipline* had been *permitted*

(*) *There cannot be a greater Instance of this Trust, than her committing the unfortunate Queen of Scots to the keeping of Sir Amias Paulet.*

and allowed to these Islands by the Queen his Predecessor; The Supplicants therefore prayed to have the same confirmed by His Majesty. The King had scarce been three Months in England, when the Petition was brought up. So that it looks like a Design to prevent by the earliest application his being better informed, and learning the Truth from some other hand. And though in the Confirmation below, mention is made of the Lords of the Council, I cannot help thinking that the Matter never came before them; their Lordships having in the Council-Books wherewith to confront that confident assertion of the Queen's Unlimited Indulgence; I mean their own Letter to the Bailly and Jurats recited above. But the Party never wanted a Friend at Court. Some body in place and credit helped them out on this occasion, and procured a favourable Answer to their Address, in the form following.

JAMES R.

JAMES by the Grace of God King of England, Scotland, France, and Ireland, &c. Unto all those whom these Presents shall concern, Greeting. Whereas We ourselves and the Lords of our Council, have been given to understand, that it pleased God to put it into the heart of the late Queen, our most dear Sister, to permit and allow unto the Isles of JARSEY, and Guernezey, parcel of our Dutchy of Normandy, the use of the Government of the Reformed Churches in the said Dutchy, whereof they have stood possessed until our coming to this Crown: For this Cause, We, desiring to follow the pious example of our said Sister in this behalf, as well for the advancement of the Glory of Almighty God, as for the edification of his Church, do will and ordain, that our said Isles shall quietly enjoy their said Liberty, in the use of the Ecclesiastical Discipline there now established; forbidding any one to give them any trouble or impeachment, as long as they contain themselves in our obedience, and attempt not any thing against the pure and sacred Word of God. Given at our Palace at Hampton-Court, the 8th day of August, An. Dom. 1603, and of our Reign in England the First (202).

This New Grant (or *Confirmation*) obtained upon a false Allegation, must be void and null in the very nature of the thing. For is it not clear as the Sun that the Party had extended the Queen's favour beyond the Bounds she had set to it? She granted them One Church, and they invaded them all. With what face could they tell her Successor, that she had given way to the Change they had made over the whole Island? Is there not a great deal of Obliquity in all this? However, such was the Lenity of those Times, that the thing was no farther inquired into; and they enjoyed the fruit of their guile and deceit to the Death of the *Paulets*, and the coming of a new Governor to JERSEY. This was Sir *John Peyton* (*). a Gentleman no way disposed to give up any point whereby that Office should be lessened in Power or Income. By his Patent he had all the Benefices in the Island, the Deanry only excepted, left to his Nomination. But here he found a *Discipline* encroaching on that Right, so as to reduce it in a manner to nothing. For though the *Colloquy* (†) seemed willing upon occasion to pay him a compliment as Patron, yet in reality they bore themselves as such; refusing to admit any for Minister of a Church, who had not a *Vocation*, as they worded it, or call from themselves; that is, who was not in effect of their own choice and election. Hence arose contention and strife, both sides standing stiffly on their several Pretensions. It came at length to pass, upon Vacancy of a Church, that a Native who had studied at *Oxford*, and been Episcopally Ordained, applied for the Living to the Governor; who

(*) Betwixt the *Paulets* and Sir *John Peyton*, came in Sir *Walter Raleigh*; but his Government was so short, that it may here be passed by.

(†) The better to carry on the *Discipline*, there were Three Powers set up in subordination one to another. 1. The *Consistory*, that is to say, the Minister, Elders, and Deacons of a single Parish, consulting every Sunday, or occasionally on any other day, about things relating to the Church, with a more special eye to the manners and behaviour of the People within their District. 2. The *Colloquy*, or Assembly of all the Ministers and Elders of one Island, meeting together at four stated Times in the year, in whom resided the authority of giving Imposition of Hands to Proposants, or Candidates for the Ministry. 3. The *Synod*, or Ecclesiastical Legislature, having the direction over all; to be held alternately in JERSEY and *Guernzey* once in two years, or oftener if need were, by a Deputation of Ministers and Elders from the *Colloquies*. In the *Colloquy* of *Guernzey* the smaller Islands were comprized.

himself 'tis not unlikely set him on to ask it, as foreseeing that the *Colloquy*, by having a Person of that Character put upon them, would be provoked to some extravagance, of which he well knew how to make advantage. And thus it proved. For they, stomaching and resenting it as the highest Breach that could be made in their *Discipline*, would by no means be brought to acknowledge the presentee as one *lawfully called*. So the matter was carried above, were their narrow uncharitable spirits sufficiently exposed them, and prepared the Lords of the Council to have less regard to what should afterwards come from that Quarter (203).

This was not all. For they also embroiled themselves with the Civil Jurisdiction, chiefly through the arbitrary proceedings of the *Consistories*, who would meddle in every Business, pry into the Secrets of Families, and bring under their Censures the smallest Errors in the domestick life. Against such vexations, the Sufferers implored the protection of the Magistrate, and Prohibitions went forth, to repress the petulency of those little Parochial Tribunals that assumed so much to themselves. And when once the Court shew'd an inclination to look into those Matters, and to take the *Discipline* down from it's heights, complaints and accusations ceased not to come in daily, in which the Ministers were not spared. A warm fellow brought in a charge against them of *Tyranny and Hypocrisy*. Hereupon the People were miserably divided. For as the aggrieved were not few, so those many Elders, Deacons, and Under-instruments engaged in maintaining the *Discipline*, made up a pretty large Body. The better sort of the Inhabitants, seeing those Confusions, and dreading the consequences of them, began to bewail their departing from the wiser and more moderate Government of the Church of *England*, and to cast about how to retreat, and return to the same. They were now reconciled to *Episcopacy* and *Liturgy*, after Trial of the inconveniences attending the Way they had been in, and in pursuance of those Sentiments drew up a Representation to be laid before King and Council. Both Sides making their appearance there by Deputies, the *Disciplinarians*

wanted not Confidence to plead their Cause, and to support it with the best Arguments they could devise. I omit what passed in those Debates ; Complaints, Answers, Replies, &c. which for a long Space took up the patience and attention of the most Honourable Board. Their Lordships saw, that unless the Ministers were left to recover themselves from their Prejudices by length of time, and had some Latitude allowed them in the use of the Forms prescribed for Divine Service, they would infallibly run into a Schism, and the People would be more divided than ever. This was by all means to be prevented, and nothing done that should exasperate. With great mildness therefore it was declared to them at the Board, by the mouth of Archbishop *Abbot*, “ That for the restoring of Peace and good Order in the
 “ Island, His Majesty found it necessary in the first place
 “ to revive the Office of *Dean*, and would appoint to it one
 “ from among themselves, who should have Instructions
 “ given him by way of *Interim* (*), for his and their present
 “ Conduct till things could be more perfectly settled. That
 “ to attain to such Settlement, they were to go back to their
 “ respective Charges, and confer with their Brethren in the
 “ Island, about compiling a New Body of *Canons* and
 “ *Constitutions*, as near in Conformity to the Church
 “ of *England* as their Laws and Usages, (from which His
 “ Majesty had no intention to derogate) would bear.
 “ That the Liturgy, which had formerly been translated
 “ into *French* for their use, should again be sent to them,
 “ yet without tying them to a strict observance of every
 “ thing therein (†) ; His Majesty having so good an opinion
 “ of their Judgment, that he doubted not but the more they
 “ grew acquainted with the Book, the better they would
 “ like it.” This gentle Dismission, without sharpness, or

(*) For pacifying the Troubles of Religion in Germany, the Emperor Charles V. did put forth certain Articles, which he called an *Interim*, to hold only until the determination of a General Council. Sleidan Hist. Lib. XX. ad. an. 1548.—King James, who had read, and was learned, affected to give his Instructions, which were but for a time, a like name See the Preamble to the Canons.

(†) The *Interim* dispensed with the three Ceremonies so much controverted in England at that time, viz. the use of the Surplice, the Sign of the Cross in Baptism, and the administering of the Lord's Supper to the People kneeling. (204)

angry reflexions on what had passed, wrought the Ministers into a Temper, and they went, and prepared a Draught as they were enjoyned. They had before them the Canons of the Church of *England*, and from those they collected Heads and Materials for their Work ; not forgetting here and there a sprinkling of their *Polity*. But whereas they had been directed to advise with the Civil Magistrate, to the end there might be no clashing thereafter betwixt the two Powers, this it seems was not done entirely to the satisfaction of the latter ; who therefore, when the Ministers went up with their Scheme, followed it with Exceptions. The King had commissioned the Archbishop of *Canterbury* Abbot, the Lord Keeper *Williams* Bishop of *Lincoln*, and the learned *Andrews* Bishop of *Winchester*, to examine what the Ministers should offer. Those reverend Prelates considered every Article maturely. In the whole, some things they expunged, others they modified, and they fill'd up Deficiencies. Briefly, all farther Contradiction ceasing, and the Parties declaring their acceptance of the said *Canons* and *Constitutions* in the Form to which they were now brought, the same were laid before His Majesty, and received his Royal Assent *June* 30, in the year 1623, being the twenty first of his Reign. That by the length of them our Narration may not be broken and interrupted, as in the former Edition, I have removed them into the *Appendix*, *Numb.* XII.

Thus did the Church of *England*, like an indulgent Mother, take us again into her Bosom, after we had for half a Century estranged ourselves from her, and been under a Presbytery. But why (may some object) did not we upon such our Return, submit to all her well-known Rules and Orders, without having *Particular Canons* made for us? Why this Singularity? The Reasons are obvious enough from what has been said already ; nevertheless to clear the Point still farther. I will add, *First*, that this was occasioned through the necessity of complying with the Laws, and Usages of this Island. For though in Matters of Faith, and Institutions of Divine or Apostolical Appointment, and

in whatever else is held Essential to an Orthodox Christian Church, there cannot be too great an Uniformity ; yet in the outward Face and Habit of the same Church, some Things may not so well comport with the Constitution of one Country, as with that of another ; and consequently neither need, nor indeed ought, to be equally urged and insisted upon in all Places. The Canons of the Church of *England* are accomodated to the Laws of the Kingdom, and both tally very justly together ; whereas here, they would have met with stubborn old Customs, apt at every foot to jarre and contend with them, so that the Peace sought by our Return to the Church, must have been as distant from us as before. In one word, we think not ourselves the less of the Church of *England*, because of some Variations in Matters of mere Circumstance only. Again, *Secondly*, the danger which threatned us of a Schism (through the obstinate adhering of some to the *Discipline*, and the going back of others to the Church) required to have things so moderated and attempered, that All might be brought to unite if possible in one common System ; and for that end these *Canons* were given us, and were framed with great Condescention to the troubled State we then were in. Nothing justifies the Wisdom of any Measures like Success. And so it very happily proved in our Case. For the *Canons* were well received in the Island, and the end was attained for which they were designed. The Ministers, who had the first drawing of them up (and no small point of Wisdom it was to charge the Ministers with that Work) could not consistently with themselves, after the advances they had made, do otherwise than set an example of Conformity to the People. Hence it came, that the Churches thronged with the same Numbers as usual. No Separate Congregations were gathered in Opposition to the Public Worship, nor from that day to this has there been a Conventicle in the Island. Here may be seen four or five hundred orderly Communicants at the Sacrament at a time, even in Country Churches. 'Tis true that the *Interim* dispensing with Genuflexion, the Communicants

for a while remained in a standing Posture during the Action, but now all receive reverently upon their Knees. To finish this Argument, a perfect Harmony and Unanimity in Religion reigns amongst our People. If they are not so happy as to be intirely free from Disputes about other Affairs, they have at least the Comfort of *walking together into the House of God as Friends* (*) (205).

There had been no *Dean* in JERSEY since *Paulet* (†) the last Popish one in Queen *Mary's* time. That Office being now revived, was conferred on the reverend Mr. *David Bandinel* (‡), recommended by Archbishop *Abbot*, who took early notice of him, and distinguished him from among the other Deputies negotiating for their Brethren at the Council-Board. The Archbishop was too good a Man, to have employed himself for one that had not Abilities to sustain that Office with Dignity (206); and the Character which Dr. *Heylin* (§) gives of Dean *Bandinel*, from the acquaintance he contracted with him in the Island in the Year 1628, confirms very advantagiously the Archbishop's opinion of him. Now as the Bailly here is at the head of the Civil, in like manner is the Dean at the head of the Spiritual Jurisdiction; and as one has the Jurats for his Assessors, so has the other the Ministers; to wit those who are Rectors of the Churches, not mere Auxiliaries or Lecturers only. And thus the Constitution of the two Courts is very much alike, the Instituted Ministers coming in for a Participation of the

(*) Psal. LV. 15.

(†) He was Brother of Sir Hugh Paulet, & as zealous for Popery as the other was for the Reformation though in a wrong manner.

(‡) This reverend Person has left a worthy Posterity amongst us. His Grandson of the same name with him. David Bandinel, Esq. Seigneur de Bagot, was a Man in whom this Island might justly glory. A Man of most singular Prudence and Address in all affairs and concernments of Life. Many years he sate on the Bench of Justice, with great honour to himself, and no less benefit to the Publick, through those moderate and healing Councils which he alwaies pursued, and which he had a peculiar art and faculty of insinuating into others. Indeed the Peace of the Country seems to have died and expired with him. He was my Guardian in my Nonage, and I had so many Obligations to him otherwise, that 'tis the least thing I can do, upon this occasion of mentioning his Ancestor, to consecrate these few lines to his Memory.

(§) Survey Ch. VI. pag 386.

Ecclesiastical Regimen. They had the whole among them, whilst their *Colloquy* and Presbyterian Parity subsisted; and it was thought reasonable to reserve them a Share in conjunction with the Dean, for the better keeping up the Credit of their Function. This, together with the Right of Entrance into the Assembly of the *States*, gives the Rector of a Parish greater weight here, and makes him more considered, than one in *England* having five or six times his Preferment. There seems also something Primitive in this Partnership of Church Power. 'Tis an imitation of those Ancient Councils of Priests, whom the Bishop took to sit with him in his Consistory, and assist him in judging Causes brought before him. Two or three Ministers with the Dean, or Vice-Dean, suffice to hold a Court; but as many as please may come, and the Opinion is to be taken of all that are present (207). This Court keeps the same Terms with the Civil, but ordinarily sits only upon *Mundays*, and has belonging to it a *Greffier* or Register, two *Advocates* or Proctors, with an Apparitor and others to execute it's Summons. For the rest, let the *Canons* in the *Appendix* be consulted. One thing however I may not pass unobserved, because 'tis part of our Privileges, *viz.* That when an Appeal goes from this Court to the Bishop of *Winchester*, as superior Ordinary, or (in case of the Vacancy of that See) to the Archbishop of *Canterbury*, those Prelates are to hear and determine the same in their own proper Persons, and not send us to substituted Judges or Officials, on whom we in no wise depend. Their Sentence moreover must be Final, freeing us from the trouble and expence of farther Proceedings before Delegates.

The number of the Beneficed Clergy, or Incumbents, including the Dean(*), is just equal to that of the Parishes. And so populous are These, that a Minister, exerting himself with diligence and fidelity, will always find abundant employment in the care of one only. Therefore our *Canons* absolutely

(*) The Deanry is not a thing at large, as some Dignities in England. Ever since it's being revived, a Cure has constantly gone along with it; whereby the Dean is as much obliged to reside, and to labour, as the meanest of his Brethren.

forbid Pluralities, albeit the smallness of the Livings (were that principally to be regarded) might render the same as justifiable here, at the least, as where Law and Custom allow of them. Most certainly the Provision for the Clergy in this Island is no way adequate to their Labours. The same Canons which tie them down to a single Living, oblige them to constant Duty in the Pulpit twice every Lord's-day, not to speak of their contingent weekly work. Will it be permitted me to say, that even their happiness in being universally owned and followed by their People, increases their Burthen? whilst in *England* the rejecting all Service and assistance of the Parish-Minister by Dissenters, brings him ease, though not such as a Good Man would make his choice. Much of their time is taken up in visiting their Sick; who more earnestly than I have observed in other places, desire the Company and Consolations of their Minister in an hour of trouble and affliction. I omit many things of the like nature. And now what Encouragement have they to bear them up under all this? I speak of Worldly Encouragement. For as to the inward Satisfaction springing up within their own Minds from a conscientious discharge of their Duty, 'tis what will consist with any outward State and Condition. Their Dividend out of the Tythes, according to the Extract from the *Black Book of Coutance* inserted above, is mean and insufficient, and some of them have no title even to that (208). Their *Novals* (*), more commonly called *Deserts*, which are the Tythes of small parcels of Land not yet broken up when the Alienations were first made in favour of the Monasteries, but since brought under culture, are inconsiderable, and still become more so by the Encroach-

(*) In the old Latin Writers de re rustica, *Novalia* (in the Plural) signify Lands newly plough'd whether the same were never plough'd in former time, or are plough'd after having been only laid fallow and at rest for some years. Here, by *Novals* we mean not Lands, but Tythes; and them not of the latter, but of the first sort of Lands. Therefore called also *Deserts*, because they are Tythes of Lands once wholly neglected and uncultivated. Thus (for example) supposing the Practice of this Island to run in *England*, Wood-Land grubb'd or stockt up, and never known to have born Corn before would pay Tythe to the Vicar, and not to the Impropiator.——NOVALE, Terre nouvellement défrichée, & mise en valeur,——Cette Terre n'est pas de la grosse Disme, c'est une Novale. Des Novals appartiennent aux Curez, par preference aux Gros Decimateurs. Furetiere Diction.

ments of the Under-Farmers of the King's Revenue (209). The Governors would have swallowed them up all at once, had they not been restrained by a Decretory Letter of the Privy Council, *June ult.* 1608. Those Profits and Emoluments called *Surplice-Fees* in *England*, are things for the most part unknown here, and I believe were formerly dropped by the Ministers themselves in pure aversion to the Name (210). Their best income at this day arises from the improvement of Fruit-Trees for Cider, which is a Maintenance very casual and uncertain, all Years not being equally productive, nor every Parish planted alike (211). Again, here they are fixed for Life, quite out of the way and road of Preferment. If sometimes they seek to be removed from one Benefice to another within the Island (for two together they cannot hold) 'tis oftner for reasons of convenience, than of advantage; the difference in the value of the said Benefices not being so great, as to make them much gainers by the change. The Deanry is the only thing they can have in their eye to animate them, and to flatter their hopes. But besides that one only can have it, in a Succession of perhaps many years, a cruel Attempt was lately made to bring in a *French Proselyte*, a Person unqualified, over all their heads, to the creating a Precedent that must have taken away all heart and courage from them (212). I know but one particular wherein they are a little eased in point of Interest, which is, that instead of being themselves at the Charge of keeping up their *Presbyteres*, as the *English* Clergy are their Parsonage and Vicarage-houses, the same falls on the respective Parishes; but there must be no neglect on their part to preserve those Manses from the injuries of the weather (213).

Such is the Temporal State of the Clergy here, of which some account seemed necessary, in order to shew the reasonableness of giving them better encouragement, if possibly a way may be found to effect it. And why should we despair of it, knowing what at this very time is doing in *England*? where, what through the Beneficence of the late Queen *Anne*, of pious and Religious no less than triumphant me-

mory, in giving up her revenue of the first fruits and tenths for a perpetual fund of charity to the more indigent Clergy ; what through the generosity of not a few worthy owners of Improvements, in augmenting small vicarages with a portion of the great tythes or a pension in money ; many poor Incumbents have already been in some measure relieved, and a prospect is opened for others to hope for the like succour and assistance in their turn. By Rules and Orders declaratory of Her Majesty's gracious intention (*), every Living in *England* the real value whereof does not exceed fifty pounds *per annum*, is reputed *poor*, and intitled to the Royal Bounty. Now it may easily be made to appear, that all the Livings in this Island, rated one with another, fall considerably short of that sum. Which I do not mention by way of complaint for our being left out of that charity. I am sensible we had no claim to it, neither therefore did we use any endeavours to be comprehended in it. I urge it only for proof of the insufficiency of such a yearly income, for the support and encouragement of one who has devoted himself and the labours of his whole life to the service of Religion, and the cure of Souls, seeing it has been so judged and declared in *England*. Nay, I will venture farther, and be bold to affirm, that in true construction and estimation of things, a Living of no greater Value is really *poorer* here than in *England*, inasmuch as it must ever go single, by the Canon against Pluralities. But though the Queen's Bounty respects us not directly, it may be of great benefit and advantage to us, by setting a noble Example to succeeding Princes of goodness and compassion towards a Suffering Clergy (214). And as we of these Islands are more intimately attached to and dependant on the Crown than others of its Subjects, so I trust we may presume on suitable returns of grace and favour from it. It was doubtless a most fatal Error at the Dissolution of Monasteries, to confound the *Tythes* originally belonging to Parish-Churches, and afterwards by Papal

(*) See Mr. Ecton's state of the Proceedings of the Corporation of the Governors of the Bounty of Queen Anne. Lond. 1721.

Authority appropriated to those Houses, to confound them (I say) with other superfluous and superstitious Endowments, and so secularize all together (215). Surely a distinction ought to have been made, being things of a very different nature. And indeed nothing has cast a greater reproach on the Reformation, and given its Enemies a more specious handle to charge it with the Guilt of Sacrilege, than that unhappy Transaction. 'Tis an evil now past remedy, unless from the Voluntary Benefaction of the present Possessors of those Tythes ; many of whom (it must be gratefully acknowledged) convinced of the Iniquity of the Thing, and pitying the impoverished Churches, have thought themselves bound to make some Restitution. In doing whereof, as they have exonerated their Consciences in proportion to their Liberality, so have they wisely consulted their Temporal Interest ; if there be Truth in the Observation, that no Estate ever prospered that was got out of Things consecrated to God, no not though the Things had been abused to Superstition, because it was possible to convert them to better purposes. The Religious Houses in *Normandy* being out of the reach of *Henry VIII*, the great Destroyer of such in *England*, all he could do was to seize on what they held here ; which accordingly he did, and, together with the rest, the Tythes of the Parishes. These Tythes are still in the Crown, whereas in *England* they were generally and most profusely squandered away among Favourites and Courtiers. Queen *Elizabeth* at her accession found some yet undisposed of, which (says Bishop *Kennet* *) she was *ashamed to keep*, and therefore made haste to exchange them for Manours and Lands of Vacant Bishopricks (†) ; as perhaps thinking it a less evil to take the latter into her hands, than to increase her Revenue with the Portion of the Priest serving at the

(*) The Case of Impropriations, and of the Augmentation of Vicarages, stated by History and Law from the first Usurpation of the Popes and Monks &c. Lond. 1704. In handling the Present Argument about Tythes Improprate, I have had this most useful Book always before me ; and wish the Reader would take it likewise along with him, as he goes over this Paragraph.

(†) Concerning that Exchange, See Mr. *Strype's Annals of the Reformation* during the first twelve years of Queen *Elizabeth*, Ch. VI. and his *Life of Archbishop Parker*, Book I. Ch. IX.

Altar. And so (as far as I can find) the Crown had quite rid itself of those Tythes, except in these Islands, where it retains the Property of them, and the Governors enjoy them in part of their Salary, which is only a Temporary Right, ceasing at the expiration of their Office by Death or Removal. And no doubt 'tis much better for us that the said Tythes have continued in the Crown, than if they had been made Lay-Fees, as in *England*; there being more reason to hope for Commiseration to the Clergy from a Great and Magnanimous King or Queen, than from Subjects and Private Persons, often of narrow tempers, and unfriendly to the Church. And here it can be no offence to point to some Ways and Means for bettering the condition of the Clergy in this Island, by the Bounty and Largess of the Crown (216). The *first*, and most beneficent, would be to reinstate them in the full Tythes, their ancient Patrimony, wrested from them by Popish Usurpations. All which though it may seem much to give back at this day, is well known to be no more than what some choice and noble Spirits (*) have done in *England*, to their great honour, and (I dare say) the peace and quiet of their Minds. The *second*, not coming up to the former, yet still an Act of Grace and Goodness, would be, to grant to each Incumbent a Lease of the Tythes of his Parish, under such Covenants (†) as to leave room for him to make some advantage of them in letting them out again to his Parishioners. By the benefit of such Leases, the poor Clergy in *Ireland* (the Tythes of whose Churches were, as here, in the Crown) got relief, and had a more comfortable Provision made for them, in the Reign of the Blessed Martyr King *Charles I*, at the intreaty and joint sollicitation of the incomparable Primate *Usher*, and Bishop *Laud* then of *London*. And this is a very good Example; for a fuller account, whereof I refer to the King's Order thereupon to the Lords Justices of that

(*) See the Names of several of those Excellent Persons in Bishop Kennet's Case of Impropriations. pag. 223. and in other parts of that Work.

(†) In the New Extent or Rental of the King's Revenue, made an. 1668. the yearly value of the Improprate Tythes in the Crown is declared and ascertained. The Clergy would be well contented to have them demised to them upon those Terms, and the Revenue would suffer no Diminution.

Kingdom, set down at length among the Notes underneath (*). The *third*, and lowest, and perhaps more feasible way, would be, to charge the Tythes with an *Annual Augmentation* to the Livings, in like manner as is practised in *England* in the case of small Vicarages, by charitable Patrons and Impropiators; Numbers of whom, both of the Laity and Others, have done very honourably in this

(*) Right trusty and well-beloved Cousins and Counsellors We greet you well. Whereas our late dear Father of blessed memory, did (by his Instructions for the good and welfare of Holy Church in our Realm of *Ireland*) ordaine and command, that all such Improprate Parsonages as were his own Inheritance, and held by Lease from the Crown, ever as the said Leases expired, should be thenceforth let to the severall Curates and Ministers of all such Churches, that were to attend the Cure of Souls, and from time to time should be incumbent upon the severall Parsonages, they securing His Majesty the Rents, Duties, and Services reserved upon such Leases; Which Order We also out of our own like zeal to God's Glory and advancement of True Religion have likewise heretofore confirmed by our Royal Letters of the 8th of *July* 1626; All which notwithstanding, We are now to our great displeasure informed, that since the giving of our said Fathers's Letters, and our own, sundry Leases of Tythes, upon expiration, surrender, or otherwise, have been again let to Lay-men, and not to the Incumbents of the said Churches, to the wrong of our Religion, and breach of our Commandment whereof we shall not faile to take account in time convenient. But for your better, assurance of such our pious & Princely Grant unto the Church of that our Realm, in time to come, We have thought good to declare, and by these our Letters do declare unto you, That our Princely Will and Pleasure is, for Us, our Heirs and Successors, to give and grant the Reversion of all such Reservations as formerly have been expressed irrevocably unto Almighty God, and to the Particular Churches within that our Kingdom unto which such Tythes did anciently belong, and to the severall Incumbents which shall happen to be in the said Churches when such Leases shall expire, or be otherwise determined, and to their Successors for ever; Giving hereby the severall Incumbents, and their Successors, which shall be when it shall happen the said Leases to expire, or otherwise to determine, full Power to enter into Possession of the Whole Tythes; Paying only unto us, our Heirs & Successors, such Rents, Duties, and Services, as are now payable out of the same respectively; And charging our Officers of our Exchequer in that Kingdom, to receive the same in such manner and form as now they are received, without any further Charge or exaction upon the said Incumbents. And for the effecting this our Godly Purpose and Princely Donation, We do hereby authorize and require you, that upon the sight hereof, you, by the advice of our Learned Counsel there, do forthwith make out under the Great Seal of that our Kingdom, such Grant and Grants, as shall be necessary and requisite for the settling and establishing of all such Improprate Benefices upon the Corporation of *Dublin*, or *Londou-derry*, within that our Kingdom, as shall be most convenient and available for the Church, to the use of the said Incumbents, and their Successors for ever. And our further express Will and Pleasure is, That whensoever it shall happen the said Leases, or any of them now in being, to determine, You our Justices for the time being, or other Deputy, Chief Governor, or Governors, that shall be hereafter, shall hereby be enabled to present the then Incumbent unto the same Church, by the Title of the Full Rectory thereof, as unto other Churches of our Patronage; reserving as aforesaid the Rents, Duties, and services formerly reserved unto us. And these our Letters etc. (From the Paper Office.)

particular, and have helped out many a depauperated Cure (*) (217). Now the Crown being both Patron and Impropiator here, 'tis so reasonable for us to hope for the same favour, (I had almost said justice) from it, that when I look back to Times past, and call to remembrance how good and gracious our Princes have ever been to us, in how many greater Instances they have displayed their Royal Munificence towards us, I cannot but think 'tis owing purely to our own indolence, and neglect of due application to the throne, that the thing has not been done before now (218). I am well assured that less than the yearly Sum of two hundred pounds, given in this Way of *Augmentation*, and parcelled out among the Clergy here, in proportion to the greater or less value of the Livings, would be received with the utmost thankfulness. And if it be said, that such a Substraction from the Tythes would break in upon the Governor's Patent, which lays claim to the Whole, I answer, that 'tis not pretended this Benefaction should take place during the Life of the Possessor, but only from the passing of a New Grant to the next in Nomination to that Office. For then the Crown being disengaged, would be at liberty and have in its power to make what reservation it thought fit out of the Revenue ; which being turned into an *Augmentation* to the Clergy, the Crown would thereby part with nothing but what went from it another way. Such Reservations have been very usual with us, insomuch that when Sir *Walter Raleigh* himself had the Government given him by Queen *Elizabeth*, she struck off *Three Hundred Pounds a year from it* (†), which she took into her own disposal, and made

(*) *What in England goes by the name of Augmentation, is in France called Portion congrûe, and depends not on the Liberality of him or them who have the Grosse Disme, but is settled by Royal Edicts, and the Quantum fixed at three hundred Livres per annum. This, superadded to other various Perquisites, affords the meanest Curé de Village, i. e. Country-Vicar, a Subsistence beyond the Scanty Lot of many a Worthy Minister of the Church of England. One must therefore make a great abatement of what Bishop Burnet says of the Poverty and Wretchedness of the Parochial Clergy abroad, in the Introduction to the Third Volume of his History of the Reformation, pag. XV. But 'tis not yet forgot what temper the Bishop was in, and what ends he meant to serve, when he so hastily sent that Introduction, and the New Preface to the third edition of his Pastoral Care, to the Press.*

(*) *Apud. Rymer Foed. Tom. XVI. pag. 398.——400.——Volumus nihilominus, et per Præsentes reservamus Nobis, Hæredibus, & Successoribus*

that Great Man, so renowned for his eminent Services to Her and the whole Nation, be contented with the Remainder.

It may be expected that I should take notice how the Churches here are supplied and recruited upon Vacancies. At the beginning of our Reformation, and all the while we lay under a Presbytery, nay even since that time, the Youths of this Island designed for the Ministry were sent to study among the Protestants in *France*, and particularly at *Saumur*, after the famous *du Plessis Mornay* had brought Professors to teach Academical Learning in that Town, of which *Henry IV*, had made him Governor. Those our young Countrymen being to preach in *French*, it seemed most suitable to have them educated in a Place, where by hearing that Language spoken in its purity, they would be enabled at their return to the Island to appear in the Pulpit with greater advantage. But thence arose an inconvenience for which no Refinement of Language could make amends, namely, their being trained up in Foreign Systems, and taking a Tincture of Principles and Opinions not altogether consistent with those of the Church of *England*. When therefore the Gentlemen of the Island attended the Council-board about our Reunion to the said Church, the King was humbly moved to allow some Places in one of his Universi-

nostris, durante totâ vitâ ipsius *Walteri*, pro & ex Custumis dictæ Insulæ, Reventionibus, Proficuis, & Emolumentis, cæterisque omnibus & singulis Præmissis præconcessis, annualem redditum *Trecentarum Librarum* legalis monetæ *Angliæ*, solvendum annuatim per præfatum *Walterum Raleigh*, Nobis, Hæridibus, & Successoribus nostris, ad duos anni terminos usuales; videlicet ad Festa *Sancti Michaelis Archangeli*, & Annunciationis *Beatæ Mariæ Virginis* per æquales portiones, ad receptam *Scaccarij* nostri, Hæredum, & Successorum nostrorum: Proviso semper, quod si prædictus annualis redditus, aut aliqua inde parcella, Nobis, Hæredibus, & Successoribus nostris, per Præsentes reservatus, a retrò fuerit & insolutus, in parte vel in toto, per spatium quadraginta dierum post aliquod Festum Festerum prædistorum in quo solvi debeat, tunc quotiescunque *Thesaurarius* noster *Angliæ*, vel *Subthesaurarius Scaccarij* nostri prædicti, pro tempore existentes, aut eorum aliquis, notitiam inde dederint vel dederit dicto *Waltero*, aut suo Deputato prædicto, si prædictus annualis redditus, aut aliqua inde parcella, Nobis, Hæredibus, & Successoribus nostris, a retrò fuerit & insolutus per spatium triginta diernm post aliquam notitiam sic ut præfertur datam, ex tunc hæ Litteræ nostræ Patentis, & omnes Auctoritates, Jurisdictiones, Res, & Concessionis in eisdem contentæ, vacuæ erunt, & nullius in lege vigoris, aliquo in Præsentibus non obstante; Eo quod expressa mentio &c.——In cujus rei &c.——Teste *Reginâ* apud *Westmonasterium* vicesimo sexto die *Augusti*, An. 1600.——Per ipsam *Reginam*.

ties to the benefit of the same young Persons, to the end that the hope and expectance thereof might draw them thither, and they by that means have their Studies put under a better Direction. The thing was more readily promised than it could be executed. Such Places were to be founded on purpose, and the Court shewed no haste to go about it. In short, all was at a stand till Archbishop *Laud* came into Power, whose large and active Soul embraced and took in the Care of all the Churches. It happened very providentially, that a good Estate, consisting of Houses in *London* and Lands in *Buckinghamshire* escheated to the Crown. The Archbishop laid hold of the opportunity, and preventing the Courtiers got a Grant of it from King *Charles I.* for the endowing of Three Fellowships in *Oxford* (*), for the Islands of *JERSEY* and *Guernezey*, to be held by them alternately; the Alternation to proceed in this Order, viz. That on which soever of the two Islands the Election of Two Fellows should chance to fall first (as it must of necessity be) the other Island should come in for the Two next Turns, and so on in a continual Rotation for ever (†). It was withal provided, and declared to be the good King's intention, that after a competent time spent in the University the said Fellows should go back to the Islands, *ibidem Deo servituri*, i. e. there to serve God in the Work of the Ministry (‡). None therefore but they who from the beginning design to enter into Holy Orders, are regularly eligible into those Places. 'Tis an abuse, and a contradiction to the Will of the Royal Founder, that any should enjoy them,

(*) Viz. one in each of the three Colleges of *Exeter*, *Jesus*, and *Pembroke*.

(†) Volumus ——— Quinto, si prima Electio de duobus ex Insulâ de *Gernsey*, ac de uno tantum ex Insulâ de *JERSEY*, aut è contrario acciderit quod tunc proxima Electio facta fuerit de duobus ex illâ Insulâ de quâ unus tantum sic primo eligi contigerit, ac eodem modo alternis vicibus hujusmodi, Electiones factæ fuerint in perpetuum. ——— The two first elected for *JERSEY* were Mr. *Poingdestre*, whose name so often occurs in this Work, and Mr. *Brevint*, mentioned in the Introduction; both turned out of their Fellowships for their Loyalty, by the Parliament-Visitors in the year 1647. See Dr. *Walker's* Account of the Sufferings of the Clergy &c. Part II. pag. 116 and 120.

(‡) Intentio nostra est Regia, ac sic per Præsentes declaramus, quod infra tempus conveniens, prædicti Socij vel Scholares eorundem sepealium Collegiorum respective, ad sepeales Insulas prædictas respective, super promotiones idoneas eis oblatas ibidem Deo servituri revertantur.

who have in view and are in pursuit of other Professions (219). To those Three Fellowships there have been since added Five Exhibitions or Scholarships in *Pembroke-College*, each of twelve pounds *per annum*; not alternating as the former, but so divided and proportioned betwixt the two Islands, as that JERSEY being the biggest has Three of those Scholarships allotted to it, and *Guernezey* which is less has only Two. These were given by that most pious and public-spirited Prelate, our honoured Diocesan, Bishop *Morley*, upon *his taking into serious consideration, that the Inhabitants of these Islands have not those advantages and encouragements for the Education of their Children, which on their behalf are desirable, and which others of his Majesty's Subjects, do enjoy*, as 'tis expressed in the Instrument of Donation (*); wherein also are much the same Limitations as in the King's Grant, which therefore I shall not repeat. Now those Endowments have so far operated, and done good, that our Students have generally ever since taken their Learning in *Oxford*, and consequently been there seasoned and principled like others of the *English* Clergy. None go now to Outlandish Schools, and those Ministers with us who had been Disciples of *Gomarus* (†), *Cameron*, and other Professors of *Saumur*, are long since extinct: But then on the other hand it has too often happened, that when the same young Gentlemen have by the benefit of those Endowments attained to a capacity of serving their Country, they have declined that Service, deterred and disheartned at the Smallness of the Preferment waiting their return home. They have chose to remain in *England*, hoping for something better there; and so have made room for Strangers, *French Refugees*, of whom we are never without some among the native instituted Clergy, besides those who are taken in as Secondaries and Assistants (220). Thus has the end of those Endowments been in great measure frustrated and defeated, nor

(*) An indenture Tripartite betwixt the said Bishop, the Dean and Chapter of Christ-Church Oxon, and the Master of Pembroke College.

(†) From Saumur, Gomarus was called to the Divinity-Chair at Leyden in Holland, where he became the Leader and prime Champion of the rigid Predestinarians.

will it or can it be otherwise, untill it shall please the Crown to raise the Livings here to what may reasonably be deemed a Sufficiency, in one or other of those Ways which I have taken leave to indicate in the foregoing Paragraph. Some years before these Foundations by King *Charles-I.* and Bishop *Morley*, a plain honest Man of the Island (221) had given two and thirty Quarters of Wheat-Rent to the same good purposes, on special condition that only such poor Scholars as shewed a towardliness and disposition for Learning, whilst they wanted means to support the charge of going to the University, should come in for the whole or a share of that Charity. This is what we call *le don de Laurens Baudains*. And as for those first Rudiments which must prepare and fit a Lad for the College, we have two Free-Grammar-Schools (222), indifferently well rented, and so seated in compliance to the oblong figure of the Island, that each serves commodiously enough for the Children of Six Parishes. To the East, and in St. *Saviour's* Parish, is the School of *Saint Magloire*, taking its Name from the Apostle of the Island ; to the West, and in St. *Peter's*, is that of *Saint Athanase*, or (which I think truest) *Saint Anastase*. These are wholly under the direction and government of the Dean and Ministers, with absolute exclusion of all others whomsoever ; for which the Founders *Neel* and *Tehy* (the first, Dean of Prince *Arthur's* Chapel (223) ; the other, a Merchant in *Southampton*, but both originally of the Island) got a Patent from King *Henry VII.* By secreting that Patent, the Clergy were for several years kept out of this Right, nor could they recover it but by an Appeal above, where an attested Copy from the Rolls soon decided the matter in their favour (224). And to obviate a like attempt for the future, I am desired to print the said Patent among the other Records in the *Appendix*, *Numb. XIII.* It may seem a trivial Remark, which nevertheless I cannot forbear making, *viz.* That here, even among the meaner sort of People of either Sex, there are few but can read and write, fewer indeed than are commonly seen elsewhere.

Nothing is more wanted in this Island than a Public Library, the Place being out of all commerce of the Learned World, and the Clergy through the meanness of their income under a Disability of laying out much Money upon Books. And such a Library should not (I think) be solely appropriated to the Clergy, but free and open to the better sort at least of the Laity, and be furnished accordingly. Reading would give our Gentlemen juster Notions of Things, enlarge their minds, and render them more useful and serviceable to their Country. There is already some Advance made towards this, by the Promise of more than Two Thousand Volumes in most kinds of good Literature, the execution of which Promise is only suspended till a convenient Place can be provided for the reception of the Books (225).

Concerning the Churches here, their Antiquity, their Strength and Stability, something has been spoken already. They are *Gothic* Structures, large and capacious, and so they need be to contain the People resorting to them. Most of them have lofty Stone-Spires; whose height added to that of the Land, has once or twice in my time exposed them to be struck and their tops thrown down by Lightning. Thrown down, I say, not burnt, as Spires of Timber cased with lead are liable to be, to the destruction of the whole Pile, if the Flame be not kept from gaining the Roof below. Here, the Roof of those Fabricks is a solid Arch or Vault of Stone, without a stick of Wood employed therein, the outward Cover of blue Slate being laid immediately upon the Stonework, in a Bed of strong Cement or Mortar. This was the *Norman* way of building Churches six or seven hundred years ago, and a good defence it is against Fire and Decays by Time. But such Places are subject to Damps, sticking to and discolouring the inside of the Walls, which for that reason require frequent washing and whitening, to keep them neat and clean. Herein I must own we are too negligent, as well as too sparing in such farther Ornaments as would well become Places where we believe God vouchsafes his special presence, and meets his People to receive their Prayers and to bless them. And yet there is in every Parish

a Fund for that very purpose, thence called *le Trésor de l'Église*, i. e. the Treasure of the Church, consisting of several Quarters of Wheat-Rents given anciently by pious Persons for the use of those Sacred Fabricks. But an ill Custom has prevailed, to make this Fund (so far as it will go) answer all the Calls of Publick Service and Expence, even the most Secular and Foreign to Religion (226). I am unwilling to charge such a Misapplication with Sacrilege, but how it can be strictly justified, or construed to consist with the intention of the Donors, I profess I do not understand (*). This Treasure of the Church remembers me of another, *viz. le Trésor des Pauvres*, i. e. the Treasure of the Poor, sometimes called simply *la Charité*. It is constituted like the former but more fairly administered. Besides it, there is *la Boëte*, i. e. the Poor's Box, held by a *Deacon* at the Church-door every Lord's Day after Divine Service, whereinto well disposed Persons, as they go out, cast their Offerings; an Usage not unfit to be retained, though first introduced by those *French Reformers* of whom mention is made above, who also brought in the name and Office of *Lay-Deacons* yet subsisting with us (227). Add to this *le Trouc*, which is a Wooden Engine strengthened with Irons, fastned to the Wall of the Church without, having a Cavity at top, and a slit or fissure just big enough to admit of a Crown-piece to pass through, the head (wherein the Cavity is) made to open and shut under the Security of strong Locks and Keys. The use of this is for the private conveyance of Alms which the Giver would have known only to God, the invisible witness and Rewarder of every good Work done in secret (†); and 'tis seldom but at the opening there is Money found, in greater or less quantities. By these and other Means, such Relief is laid in for the Poor,

(*) *The learned Mr. Poingdestre's Judgment concerning this Practice, does by no means favour it, though he allows of Cases of great and present Necessity. For thus I find him delivering himself in some of his Papers. Je ne nie pas qu'il ne soit licite d'employer partie de ces deniers en cas de necessité urgente à la défense de l'Île; mais je ne pense pas qu'on les puisse divertir à payer des Voyages d'Angleterre, à faire des Chaussées, &c. car hors la nécessité ce seroit Sacrilège.*

(†) *Matt. vi. 4.—Thy Father which seeth in secret, himself shall reward thee openly.*

as supersedes the necessity of recurring to Parish-Rates and Assesments, unless in Times of extreme Scarceness and Failure of the Fruits of the Earth, a Calamity which thro' the good Providence of God does not happen often. The Wheat-Rents are a certain Fund, other things are more Casual; and the whole amount of those Rents for both *Treasures*, throughout the Island, is 469 Quarters the Particulars whereof will be seen in the *Appendix Numb. XIV.*

None of our Bishops since the Reformation have visited us (228). To supply therefore in some manner the defect and want of *Confirmation*, great Care is had of the Public Catechizing of Children. Private Instruction goes before, and some competency of Age is required; and then, their answering to the Interrogations put to them at Church, in the presence and hearing of the whole Assembly, is understood and taken for a Ratification of their Baptismal Vow, and an owning of the Obligations of Christianity, to the discharge of their Sponsors. Nor can any more be done here, as we are circumstanced, to qualify Catechumens for the Holy Communion, to which they are after this admitted.

To conclude. As in the former Part of this Work I have accounted for the several Revolutions in our Civil State, so in this last Chapter I have traced from the beginning the various Turns and Changes which we have undergone in Religion, to our final settling in the Church of *England*. I wish I could truly say, that our Practice was in all Things answerable to our Profession, and did credit and honour to the excellent Church which has adopted us. But we are fallen into evil Times. When so great and general a Corruption, both in Principles and Manners, has spread itself every where, it would be next to a Miracle if we were not tainted with it in some Degree. Too sure it is, that we are much gone off from the good Old Way of our Fathers, and that if we have enlarged our Acquaintance and Commerce with the World beyond them, it has not proved to the bettering of our Morals. Having confessed thus much, I must do my Country the justice to say, that (blessed be God) we are not yet so depraved and abandoned as to throw Contempt on Religion, and have the most awful and venerable Institutions of

it in derision. To forsake Christian Assemblies and Sacraments, and live openly as an Infidel (all which it seems goes for nothing in some Places) would here render a Man infamous, and even debar him of Public Trusts and Employments. The main reproach we lie under, is on account of our Divisions (229). Now supposing them as great as they are represented, yet they who upbraid us with them, do it with a very ill grace, being themselves far more obnoxious and divided. There are two Points about which a People are most apt to break out into Parties and Factions, *viz*, Religion and Civil Government. But in respect of these, we are all of one Heart and Mind, and there is not the least variance or Disagreement amongst us. *Dissenters* we have none of any sort (230), as has been observed before; *Whig* and *Tory* are Names here without Significancy, and applicable to no body. In short, I take the multiplicity of Sutes. and *Chicaneries* of Law, to be the unhappy source of all our Brawls and Squabbles; and Men's Interests in this Island are so involved and entangled one with another by *Guaranties*, and other Ways peculiar to us, that some Controversies will necessarily arise. Neither are Men forbidden to seek relief from the Law in defence of their Properties, always provided that they have a guard upon themselves, keep their Temper, offend not against Charity, and do not improve Questions of Right into Personal Feuds and Quarrels, to the extinguishing of Love and Amity betwixt the nearest Relations and Neighbours. Therein is the Fault, and we are particularly charged with it. If the Charge be true, we ought to take shame to ourselves, nothing being more contrary to the Spirit of Christianity than Disputes and Contentions carried to those Heights. As for the late tumult in the Island, with the Occasion and Consequences of it, 'tis a Matter with which it becomes me not to meddle. It lies before His Majesty and Council, whose great Wisdom will doubtless find means to allay the Heats and Passions of angry Men, and restore Tranquillity to the Country (231).

Glory to God in the highest, and on Earth, Peace!

The End of the Chapters.

AN APPENDIX

OF

RECORDS AND OTHER PIECES REFERRED TO IN THE PRECEDING CHAPTERS.

NUMBER I.

The Constitutions of King John (*).

Inquisitio facta de Servitiis, Consuetudinibus, et Libertatibus Insul. de GERESE et *Guernese*, et Legibus constitutis in Insulis per Dominum *Johannem Regem*, per Sacramentum *Roberti Blondel, Radulphi Burnel, &c.* qui dicunt, &c.—*Rot. Hen. 3.*

CONSTITUTIONES et Provisiones constitute per Dominum *Johannem Regem*, postquam *Normannia* aliena fuit.

Imprimis, constituit *Duodecim Coronatores Juratos*, ad Placita et Jura ad Coronam spectantia custodienda.

II.—Constituit et concessit pro securitate Insularium, quod *Ballivus* de cetero per visum dictorum *Coronatorum* poterit placitare absque Brevi de Novâ Disseisinâ factâ infrâ annum, de Morte Antecessoris infrâ annum, de Dote similiter infrâ annum, de Feodo invadiato semper, de Incumbreio Maritagiij &c.

III.—Ii debent eligi de Indigenis Insularum, per Ministros, Domini Regis, et Optimates Patrie; scilicet post Mortem unius eorum, alter fide dignus, vel alio casu legitimo, debet substitui (†).

IV.—Electi debent jurare siue conditione, ad manutenendum et salvandum jura Domini Regis et Patriotarum.

V.—Ipsi *Duodecim* in qualibet Insulâ, in absentia *Justiciariorum*, & unâ cum *Justiciariis* cum ad Partes illas venerint, debent judicare de omibus casibus in dictâ Insulâ qualitercunque emergentibus, exceptis Casibus nimis arduis, et si quis legitimè convictus fuerit a Fidelitate Domini Regis tanquam Proditor recessisse, vel manus injecisse violentas in Ministros Domini Regis modo debito Officium exercendo.

VI.—Ipsi *Duodecim* debent Emendas sive Amerciamenta omium premisorum taxare, predictis tamen arduis Casibus exceptis, aut aliis Casibus in quibus secundùm Consuetudinem Insularum merè spectat redemptio pro voluntate Domini Regis et Curie sue.

(*) The Original of these Constitutions of King *John* is lost; but they are extant in an *Inquest* of his Son *Henry III*, which recites and confirms them.

(†) There is here a Transposition that perplexes the Sense. It ought to be, Scilicet post Mortem unius eorum, vel alio casu legitimo, alter fide dignus debet substitui.

VII.—Si Dominus Rex velit certiorari de Recordo Placiti coram *Justiciariis* et ipsis *Duodecim* agitati, *Justiciarii* cum ipsis *Duodecim* debent Recordum facere; et de Placitis agitati coram *Ballivo* et ipsis *Juratis* in dictis Insulis, ipsi debent Recordum facere conjunctim.

VIII.—Quod nullum Placitum infrà quamlibet dictarum Insularum coram quibuscunque *Justiciariis* inceptum, debet extrà dictam Insulam adjornari, sed ibidem omninò terminari.

IX.—Insuper constituit quod nullus de libero Tenemento suo, quod per annum & diem pacificè tenuerit, siuè Brevi Domini Regis de Cancellariâ, de Tenente & Tenemento faciente mentionem, respondere debeat vel teneatur (*).

X.—Quod nullus pro Feloniâ damnatus extrà Insulas prædictas, Hereditates suas infrà Insulas forisfacere potest, quin Heredes sui eas habeant. (232)

XI.—*Item*, si quis forisfecerit, & abjuraverit Insulam, & postea Dominus Rex pacem suam ei concesserit, & infrà annum & diem abjuracionis revertatur ad Insulam, de Hereditate suâ plenariè debet restitui.

XII.—*Item*, quod nullus debet imprisonari in *Castro* nisi in Casu criminali, vitam vel membrum tangente, & hoc per Judicium *Duodecim Coronatorum Juratorum*, sed in aliis liberis Prisonis ad hoc deputatis.

XIII.—*Item*, quod Dominus Rex nullum *Prepositum* ibidem prohibere debeat nisi per electionem Patriotarum (†).

XIV.—*Item*, Constitutum est, quod Insulani non debeant coram *Justiciariis* ad Assisas capiendas assignatis, seu alia Placita tenenda, respondere, antequam transcripta Commissionum eorundem sub Sigillis suis eis liberentur.

XV.—*Item*, quod *Justiciarii* per Commissionem Domini Regis ad Assisas capiendas ibidem assignati, non debent tenere Placita in qualibet dictarum Insularum, ultrà Spatium trium Septimanarum.

XVI.—*Item*, quod ipsi Insulani coram dictis *Justiciariis* post tempus predictum venire non tenentur.

XVII.—*Item*, quod ipsi non tenentur Domino Regi Homagium facere, donec ipse Dominus Rex ad Partes illas, seu infrà Ducatum *Normannie* venerit, aut aliquem alium per Literas suas assignare voluerit in iisdem Partibus, ad predictum Homagium nomine suo ibidem recipiendum.

XVIII.—*Item*, Statutum est pro tuitione & salvatione Insularum & Castrorum, & maximè quia Insule propè sunt, & juxtà potestatem Regis *Francie*, & aliorum inimicorum suorum, quod omnes Portus Insularum benè custodirentur, & Custodes Portuum Dominus Rex constituere precipit, ne damna sibi & suis eveniant (‡).

(*) This Article was inserted to restrain the Violence of the Governors, who having the whole Power Civil and Military in their hands, invaded Men's Estates, and possessed themselves of them by their sole Authority.

(†) I know not what to make of this Article; instead of prohibere, it should undoubtedly be promovere. By *Prepositus* must be meant the Provost in *Guernsey*, who is the same Officer as the *Viconte* in *JERSEY* (*).

(‡) When *Henry III* confirmed the Constitutions, *Philip de Aubigny*, Warden of the Islands, obtained a Supplement of some other Articles and Concessions about Trade, which being of no use at present are here omitted.

(*) In the XIIIth Article of King John's Constitutions, the word *prohibere* renders the said Article unintelligible. Instead of it, an ancient Copy of those Constitutions lately found in the *Tally-Office* reads *habere* which makes very good sense.

NUMBER II.

The Inscription on the Mace given by K. Charles II.

Tali haud omnes dignatur Honore (*).

CAROLUS secundus, *Magnæ Britanniae, Franciæ, & Hiberniæ* Rex serenissimus, affectum Regium ergà Insulam de JERSEY (in quâ bis habuit receptum, dum coeteris ditioibus excluderetur) hocce Monumento verè Regio posteris consecratum voluit. Jussitque ut deinceps *Balavis* præferatur, in perpetuum Memoriam Fidei, tum Augustissimo Parenti *Carolo Primo*, tum suæ Majestati scævientibus Bellis Civilibus, servatæ a Viris clarissimis, *Philippo & Georgio de Carteret*, Equitibus Auratis, hujus Insulæ Baliv. & Reg. Præfect. (232).

To this the following Clause in the said King's Charter may be added.

—Et ulterius in Tesseram favoris nostri præfato *Ballivo & Juratis* Insulæ nostræ de JERSEY prædictæ ac cæteris Incolis & Habitatoribus infrâ Insulam illam, pro summâ et constanti fidelitate & ligeantiâ suis, Nobis, & Predecessoribus nostris, nuper Regibus & Reginis *Angliæ*, ex quacunque causâ manifestatis de gratiâ nostrâ speciali, ac ex certâ scientiâ & mero motu nostris, dedimus & concessimus, ac per præsentés pro Nobis, Hæredibus, & successoribus nostris, damus et concedimus eisdem *Ballivo & Juratis* Insulæ nostræ de JERSEY, et cæteris Incolis et Habitatoribus infrâ Insulam illam, plenam potestatem & auctoritatem, eò quod de cætero in perpetuum liceat & licebit eis habere, uti, et portare seu portari causare, coram *Ballivo* ejusdem Insulæ nostræ de JERSEY, pro tempore existenti, unum Clavam auream vel argenteam, communiter vocatam a *Mace*, insigniis armorum nostrorum, Hæredum & Successorum nostrorum, superindè insculptam & ornatam, in & per totam illam Insulam nostram de JERSEY, libertates, & præcinctas ejusdem, ad libitum hujusmodi *Ballivi* Insulæ illius, pro tempore existentis, quando & quoties occasio requiret. Et ultimò volumus &c.—Teste meipso apud *Westmonasterium*, decimo die *Octobris*, anno Regni nostri decimo quarto.—Per breve de privato Sigillo—*Howard*.

NUMBER III.

Letters Patent of King James I, forbidding the Governor to intermeddle in the Nomination of the Bailly, &c.

JAMES by the Grace of God, King of *England, Scotland, France, and Ireland*, Defender of the Faith, &c. To all to whom these Presents shall come, greeting. Whereas a Controversy has been long depending before us and our Counsaile, betwixt Sir *John Peyton* Kt. Captain of our Isle of JERSEY, and *John Herault*, of *St. Saviour*, Esq; concerning the Right of Nomination to the Office of *Bailiff* of the said Isle, claimed by the said Sir *John Peyton* by virtue of the Letters Patent whereby he holdeth his Office of Captain of the same Island, but the said Office of *Bailiff* granted by special Letters

(*) *An Imitation of Virgil, Æneid. I. Haud equidem tali me dignor honore*

Patents from Us unto the said *John Herault*, and also touching the Wages appertaining unto the said Office of *Bailiffe*; Forasmuch as the Power and Authority to nominate, and appoint, or constitute a Magistrate, or public Officer of Justice, is one of the essential and principal Marks of our Supreme Power and Authority, and an Act merely regal, and altogether inseparable from our Royal Person, and that contrary to our Royal Intent and Meaning, the same hath been inserted into the said Sir *John Peyton's* Letter's Patents, in prejudice of the common Right and Privilege of that Island, and the special Laws, and Statutes, and Ordinances made for the good Government of the same: We therefore, according to the Report of our Right trusty and well beloved Counsellors, the Lord *Zouch*, and Sir *Ralph Winwood* Kt. our principal Secretary, formerly appointed to hear and examine the said Cause, have ordained and commanded, and by these Presents for Us, our Heirs, and Successors, We do ordain and command, that the said *John Herault* be put in the present and peaceable possession of the said Office of *Bailiffe*, according to the purport and meaning of our said Letters Patents, without any disturbance or hinderance to be by the said Sir *John Peyton*, or any other of the said Island, or any other Captain or Governor that shall hereafter succeed in that Place, or under any other pretence or colour whatsoever, or by any other Person or Persons whatsoever. And forasmuch as We alwaies intended that a competent and reasonable Pension should be yearly allowed unto our said *Bailiffe*, out of the Revenues of the said Isle, We therefore according to the said Report have ordered, adjudged, and commanded, and by these Presents for Us, our Heirs, and Successors, do order, adjudge, and command, that the Sum of one hundred Markes, of lawful Money of *England*, shall be yearly paid by our Receiver there, out of our Revenues and Possessions in the same Island, unto the said *John Herault*, for and during his Life, for his Wages of *Bailiffe*, over and above all Profits and Emoluments thereunto belonging, the said Sum of a hundred Markes to be paid to the said *John Herault* yearly, during his Life, by equal Portions, at the four Terms of the Year accustomed, the first payment to begin from the 25th day of *April*, 1614, to which Allowance and Fee of a Hundred Markes by the year the said Sir *John Peyton* hath submitted himself. And to the end that hereafter all difficulties concerning the Nomination, Institution, and Appointment of the Officers aforesaid may be taken away, We, by the advice and mature deliberation of our Counsell, have commanded and ordered, and by these Presents for Us, our Heirs, and Successors, do command and order, that henceforth no *Bailiffe*, *Deane*, *Vicomte*, *Procuror*, *Advocate* to Us, shall be made and appointed, but immediately by Letters Patent under our Great Seal, in the Name and by the Authority of Us, our Heirs, and Successors, Kings of this Realm of *England*, and Dukes of *Normandy*, and not otherwise. And we do likewise command and enjoyne, and by these Presents do straightly command and enjoyne the said Sir *John Peyton*, and all other Captains or Governors of the said Island, present and to come, never hereafter to attempt or intermeddle in any wise in the Nomination, Institution, and Appointment of the said Offices of *Bailiffe*, *Deane*, *Viscount*, our *Attorney*, or *Advocate*, or any other Public Officer of Justice within the said Isle, or in any wise to infringe or violate, either the Priviledge granted to the Inhabi-

tants thereof by the most excellent Prince of famous Memory King *Henry the Seventh*, or the Statutes and Ordinances made by the same King for the good and peaceable Government of the same Island, upon paine to incur our indignation, and further Punishment at our Pleasurè. And to the end that this Act be duely put in execution, We do further command that the same be entered as well into the Register of Counsell-Causes, as in the Royal Court there, and to give notice from time to time unto Us and our Privy-Counsell of the Contraventions attempted in prejudice of the same. For such is our Pleasure. In witness whereof We have caused these our Letters to be made Patent. Witness ourselves at *Westminster* the 9th day of *August* in the thirteenth year of our Reign of *England, France, and Ireland, and of Scotland* the nine and fortieth.

NUMBER IV.

A Grant of K. Henry V. to his Brother the Duke of Bedford, of the Government and Regalities of all the Islands.

An. 3. H. 5.

REX omnibus ad quos &c. Salutem. Sciatis quod de gratiâ nostrâ speciali, concessimus charissimo fratri nostro *Johanni Duci Bedford*, in incrementum status sui, Insulas de *JERSEY, Guernsey, Sarq, & Aureney*, unâ cum Castris, Dominiis, Terris, Tenementis, Redditibus, Servitiis, Feodis Militum, Advocationibus Abbatiarum, Prioratum, Hospitalium, Ecclesiarum, Capellarum, Cantariarum, & aliorum Beneficiorum Ecclesiasticorum quoruncunque, Piscariis, Forestis, Boscis, Parcis, Chaceis, Warrenis, Officiis, Eschaetis, Forisfactoris, Catallis Fugitivorum & Felonum, Pratis, Pascuis, Pasturis, Moriscis, Wrecco-Maris, Deodandis, Prioratibus Alienigenarum (233), Regalitatibus, Franchisiis, Libertatibus, Reversionibus, et aliis Juribus, Possessionibus, & Commoditatibus quibuscunque, Nobis et Hæredibus nostris aequaliter pertinentibus sive spectantibus infra Insulas prædictas; Habend. eidem Duci, & hæredibus masculis de corpore suo procreatis, adeo liberè & integrè sicut *Edwardus* nuper Dux *Eborum* (*), vel aliquis alius ea habuit, sive occupare solebat temporibus retroactis, & sicut Nos ea habere deberemus si ea in manibus nostris remanere deberent, absque aliquo Nobis, vel Hæredibus nostris, indè reddendo, aliquâ Prerogativâ Regiâ pro aliquâ laiquâ Tenurâ de nobis extra dietas Insulas tentâ, quæ ad dictas Insulas, Castra, sive Dominiâ, aequaliter pertinere poterit, non obstante; Eo quod de valore dictarum Insularum, Castrorum, Dominiorum, & aliarum rerum supradictarum, sive de aliis Concessionibus per charissimum Dominum & Patrem nostrum Regem defunctum, sive per Nos, eidem *Johanni* concessis, hic expressa mentio facta non existit, secundum formam & effectum Statuti, inde edit. Sive aliquibus aliis Statutis, sive Ordinationibus quibuscunque in contrarium factis non obstantibus. In cujus &c. Teste Rege apud *Westminsterium*, vicesimo septimo die *Novembris*.—Per breve de privato Sigillo.

(*) Son of Edmund Duke of York, who was the fifth Son of K. Edward III. He was slain at the Battle of Azincourt in 1415, whereupon the Duke of Bedford succeeded him.

NUMBER V.

The Oath tendered in the Royal Court to the Governor at his Admission (234).

PUIS qu'il a plû à Dieu vous appeller à la Charge de Gouverneur des Châteaux & Isle de JERSEY, vous jurés & promettés icy en la presence de Dieu, que fidellement vous excercerés ladite Charge, sous nôtre Souverain Sire *George deuxième*, par la Grace de Dieu Roy de la *Grande Bretagne, France & Irlande*, & des Dominions qui en dépendent, renonçant à toutes autres superiorités foraines & étrangères, & garderés ses droicts. Vous assisterés & defendrés toutes juridictions, privileges, préeminences, & autorités appartenantes à sadite Majesté; & avec tout votre sens & pouvoir garderés & ferés garder ladite Isle & Châteaux contre les Incursions & surprises des Ennemis; Comme aussi toutes libertez, droicts, dignitez, loix, Coûtumes, & privileges de ladite Isle & Châteaux, avec le bien public & avancemens d'icelle. Item, vous prêterés votre force à la Justice de sa Majesté, à ce qu'elle soit réverée & obéïe, & ses sentences & ordonnances deüement executées, vous opposant à tous traitres, meurtriers, larrons, batteurs, mutins, & seditieux, à ce que la force demeure au Roy. Vous le promettés à l'acquit de vôtre Conscience.

The same Oath is taken by the Lieutenant-Governor, mutat. mutand.

NUMBER VI.

The Grant of a Public Seal by K. Edward I.

EDWARDUS Dei gratia Rex *Angliae*, Dominus *Hiberniae*, & Dux *Aquitaniae*, Ballivis Insularum de JERSEY & *Guernesey*, Salutem. Quia homines nostri Insularum prædictarum diversa damna, & pericula non modica, quandoque in Mari per naufragium, quandoque in terrâ per depredationes & alia viarum discrimina, multoties hactenus sunt perpessi, pro eo præcipuè quod in Insulis illis nullum huc usque Sigillum habuimus, cum quo, seu per quod, Brevia hominum de partibus illis consignari, aut ipsorum negotia ibidem possent expediri: Nos, ad communem utilitatem hominum partium earundem hujusmodi periculis & damnis congruo remedio prospici cupientes, quoddam Sigillum nostrum, quo de coetere ibidem uti voluimus, & quod vobis transmittimus, fecimus provideri, ut in posterum Brevia, quæ homines Insularum prædictarum hactenus in Cancellariâ nostrâ *Angliae* impetrare consueverunt, & de coetere impetrare voluerint, & Conventiones & contractus quos ibidem a modo alternatim fieri contigerit, & qui hactenus tantummodò verbo tenus & non per Scripturam fieri solebant eodem Sigillo de coetere consignentur, Et ideo vobis mandamus, quod Sigillum illud recipiatis, & per totam terram Insularum prædictarum publicè proclamari faciatis, quod omnes illi de Partibus illis qui exnunc Brevia nostra prædicta habere voluerint, illa secundum

antiquum Registrum partium earundem impetrent ibidem, prout hactenus in Cancellariâ nostâ prædictâ facere consueverunt. Et vos Ballivi prædicti, hujusmodi Brevia, atq; Conventiones & Contractus, eodem Sigillo a modo consignuari faciatis, & transcriptum prædicti Registri nobis sub Sigillo mittatis; Et omnia præmissa de coetero in Insulis illis teneri & firmiter observari faciatis, in formâ prædictâ. In cujus rei testimonium has Litteras nostras fieri fecimus Patentes. Teste meipso apud *Westmonasterium* quinto decimo die *Novembris*, anno Regni nostri septimo.

NUMBER VII.

Queen Elizabeth's Charter at Length (235).

ELIZABETH Dei gratiâ *Angliae, Franciae & Hiberniae* Regina, Fidei defensor &c. Omnibus ad quos præsentis Litteræ pervenerint, Salutem. Quum dilecti & fideles ligei & subditi nostri, Ballivus & Jurati Insulæ nostræ de *JERSEY*, ac coeteri incolæ & habitatores ipsius Insulæ, infra Ducatum nostrum *Normanniae*, & predecessores eorum a tempore cujus contrarii memoria hominum non existit, per speciales Chartas, Concessionones, Confirmationes, & amplissima Diplômata, illustrium Progenitorum ac Antecessorum nostrorum, tam Regum *Angliae*, quàm Ducum *Normanniae*, ac aliorum; quamplurimis jûribus, jurisdictionibus, privilegiis, immunitatibus, libertatibus, & franchisiis, liberè, quietè, & inviolabiliter usi, freti, & gavisii fuerunt, tam infra Regnum nostrum *Angliae*, quàm alibi infra Dominiâ & loca Ditioni nostræ subjectâ, ultra citraque Mære, quorum ope & beneficio Insulæ prænominatæ, ac loca maritima prædicta, in fide, obedientiâ, & servitio, tam nostri quàm eorundem Progenitorum nostrorum, constanter, fideliter, & inculpatè perstiterunt, & perseveraverunt; liberaque Commercia cum Mercatoribus, & aliis indigenis ac alienigenis, tam pacis quam belli temporibus, habuerunt & exercuerunt; Judicia etiam & Cognitiones omnium & omnimodarum causarum & querelarum, actionum, & placitorum, tam Civilium quàm Criminalium & Capitalium, ac judicialem potestatem ea omnia tractandi, decidendi, discutendi, audiendi, terminandi, atque in eisdem procedendi, & in Acta redigendi, secundùm Leges & Consuetudines Insulæ & locorum prædictorum ex antiquo receptas & approbatas, præterquam in certis Casibus Cognitioni nostræ Regiæ reservatis, de tempore in tempus exercuerunt, executi sunt, & peregerunt; quæ omnia & singula, cujus & quanti momenti sunt & fuerunt, ad tutelam & conservationem Insularum & locorum maritimorum prædictorum, in fide & obedientiâ Coronæ nostræ *Angliae*, Nos, ut æquum est, perpendentes; Neque non immemores quàm fortiter & fideliter Insularii prædicti, accoeteri incolæ & habitatores ibidem, Nobis, & Progenitoribus nostris, inservierunt, quantaque detrimenta, damna, & pericula, tam pro assiduâ tuitione ejusdem Insulæ & Loci, quàm pro recuperatione & defensione Castri nostri de *Mont-Orgueil*, infra prædictam Insulam nostram de *JERSEY*, sustinuerunt, indiesque sustinent; non solùm ut Regia nostra benevolentia, favor, & affectus, erga præfatos Insularios illustri aliquo nostræ Beneficentiæ Testimonio, ac

certis iudiciis, comprobetur, verum etiam ut ipsi, & eorum posteri, deinceps in perpetuum prout antea, solitam & debitam obedientiam erga Nos, Hæredes, & successores nostros, teneant & inviolabiliter observent, has Litteras nostras Patentes, magno Sigillo *Angliae* roboratas, in formâ quæ sequitur illis concedere dignati sumus. Sciatis quod Nos, de gratiâ nostrâ speciali, ac ex certâ scientiâ & mero motu nostris, dedimus & concessimus, ac pro Nobis, Hæredibus, & Successoribus nostris, per Præsentes damus & concedimus, præfatis Ballivo & Juratis Insulæ nostræ de *JERSEY* prædictæ, ac coeteris incolis & habitatoribus dictæ Insulæ, quod ipsi, & eorum quilibet, licet in Præsentibus non recitati, seu cogniti per separaliâ Nomina, sicut semper in futurum ita liberi, quieti, et immunes, in omnibus Civitatibus, Burgis, Emporiis, Nundinis, Mercatis, Villis Mercatoriiis, & aliis locis ac portibus infra Regnum nostrum *Angliae* ac infra omnes Provincias, Dominia, Territoria, ac loca Ditioni nostræ subjecta, tam citra quàm ultrâ Mare, de & ab omnibus vectigalibus, theloniis, custumis, subsidiis, hidagiis, tallagiis, pontagiis, panagiis, muragiis, fossagiis, operibus, expeditionibus bellicis, nisi in casu ubi Corpus Nostri, præfatae Regioe, Haeredum, vel Successorum nostrorum, (quod absit) in prisonâ detineatur, & de ab omnibus aliis contributionibus, oneribus, & exactionibus quibuscunque, Nobis, Haeredibus, & Successoribus nostris, quovis modo debitis, reddendis, seu solvendis, prout præfati Insularii, virtute aliquarum Chartarum Concessionum, Confirmationum, sive Diplomatum, per prædictos Progenitores nostros, quondam Reges *Angliae* & Duces *Normanniae*, sive alios, seu virtute aut vigore alicujus rationabilis & legalis usus, præscriptionis, seu consuetudinis, unquam aliquando fuerunt, aut esse debuerunt vel potuerunt, debuit vel quovis modo potuit: Cumque nonnulla alia Privilegia, Jurisdictiones, Immunitates, Libertates, & Franchisiae, per prædictos Progenitores & Predecessores nostros, quondam Reges *Angliae* & Duces *Normanniae*, ac alios, præfatis Insulariis indulta, donata, concessa, & confirmata fuerunt, ac a tempore cujus contrarii memoria hominum non existit, infra Insulam & loca maritima prænomina, inviolabiliter usitata & observata fuerunt, de quibus unum est, Quod tempore Belli omnium Nationum Mercatores, & alii tam alienigeni quàm indigeni, tam hostes quàm amici, leberè, licitè, & impunè queant & possint dictam Insulam, & loca maritima, cum navibus, mercibus, & bonis suis, tam pro evitandis tempestatibus, quàm pro aliis licitis suis negotiis inibi peragendis, adire, accedere, commeari, & frequentare, & libera commercia, negotiationes, ac rem mercatoriam ibidem exercere, ac tutò & securè commorari, indè recommeare ac redire toties quoties, absque damno, molestiâ, seu hostilitate quâcunque, in rebus, mercibus, bonis, aut corporibus suis, idque non solùm infra Insulam, loca maritima prædicta, ac præinctum eorundem, verum etiam infra spatia undique ab eisdem distantia usque ad visum hominis, id est, quatenus visus oculi posset assequi; Nos eandem immunitatem, impunitatem, libertatem, ac privilegium, ac cætera omnia præmissa ultimò recitata rata grataque habentes, ea pro Nobis, Hæredibus & Successoribus nostris, quantum in nobis est, præfatis Ballivo & Juratis, ac cæteris incolis, habitatoribus, mercatoribus, et aliis, tam hostibus quàm amicis, & eorum cuilibet, per præsentes indulgemus & elargimur, auctoritate

nostrâ Regiâ renovamus, reiteramus, & confirmamus, in tam amplis modo & formâ prout prædicti incolæ & habitatores Insulæ prædictæ, ac prædicti indigeni & alienigeni, mercatores, & alii, per antea usi vel gavisî fuerunt, vel uti aut gaudere debuerunt. Universis igitur & singulis Magistratibus, Ministris, & subditis nostris, per universum Regnum nostrum *Angliæ*, ac cætera Domiiva & loca Ditioni nostræ subjecta, ubilibet constitutis, per Præsentes denuntiamus, ac firmiter injungendo præcipimus, ne hanc nostram Donationem, Concessionem, & Confirmationem, seu aliquod in eisdem expressum aut contentum, temerariè infringere, seu quovis modo violare præsumant; & si quis ausu temerario contrafecerit, volumus & decernimus quantum in nobis est, quod restituat non solum ablata aut erepta; sed quod etiam pro damno, interesse, & expensis, ad plenariam recompensam & satisfactionem compellatur, per quæcunque Juris nostri remedia, severèque puniatur, ut Regiæ nostræ Potestatis, ac Legum nostrarum contemptor temerarius. Præterea ex uberiori gratiâ nostrâ, per Præsentes ratificamus, approbamus, stabilimus, & confirmamus omnes & singulas Leges & Consuetudines, infra Insulam & loca maritima prædicta, ritè & legitimè usitatas & ex antiquo receptas & approbatas; dantes & tribuentes præfatis Ballivo & Juratis, ac omnibus aliis Magistratibus, Ministris, & coeteris quibuscunque, ibidem in officio aut functione aliquâ constitutis, plenam, integram, & absolutam auctoritatem, potestatem, & facultatem cognoscendi, jurisdictionis, & judicandi, de & super omnibus & omnimodis placitis, processibus, litibus, actionibus querelis, et causis quibuscunque, infra Insulam et loca prædicta emergentibus, tam realibus, personalibus, et mixtis, quàm criminalibus et capitalibus, eaque omnia et singula ibidem et non alibi placitandi et peragendi, prosequendi et defendendi, atque in eisdem vel procedendi vel supersedeendi, examinandi, audiendi, terminandi, absolvendi, condemnandi, decidendi, atque executioni mandandi, secundùm Leges et Consuetudines Insulæ et locorum maritimarum, prædictorum, præanteausitatas et approbatas, absque provocatione, seu appellatione quacunque præterquam in casibus qui cognitioni nostræ Regali, ex vetustâ consuetudine Insulæ et loci prædicti reservantur, vel de jure aut privilegio nostro Regali reservari debent. Quam quidem auctoritatem, potestatem, et facultatem, præterquam in eisdem casibus reservatis, Nos pro Nobis, Haeredibus, et Successoribus nostris, præfatis Ballivo et Juratis, ac aliis, damus, committimus, concedimus, et confirmamus per Præsentes, adeo plenè, liberè, et integrè, prout præfati Ballivus et Jurati, ac alii, vel eorum aliquis, antehac iisdem ritè et legitimè usi, functi, aut gavisî sunt, vel uti, fungi, aut gaudere debuerunt, aut licitè potuerunt, debuit aut potuit. Volumus præterea, et pro Nobis, Haeredibus, et Successoribus nostris, per Præsentes concedimus præfatis Ballivo et Juratis, et aliis incolis et habitatoribus infra Insulam et loca maritima prædicta, quod nullus eorum de cætero per aliqua Brevia, seu Processus, ex aliquibus Curiis, nostris, seu aliorum, infra Regnum nostrum *Angliæ* emergentia, sive eorum aliqua, citetur, apprehendatur, evocetur, in placita trahatur, sive quovismodo aliter comparere aut respondere cogatur, extra Insulam et loca maritima prædicta, coram quibuscunque Judicibus, Justiciariis, Magistratibus, aut Officiariis nostris, aut aliorum, de et super aliquâ re, lite, materiâ, seu causâ quacunque infra Insulam prædictam ema-

nente; sed quod Insularii praedicti, et eorum quilibet, hujusmodi citationibus, apprehensionibus, brevibus, et processibus non obstantibus, licitè et impunè valeant et possint, valeat et possit, infra Insulam et loca praedicta residere, commorare, quiescere, et justitiam ibidem expectare, absque aliquâ pœnâ corporali seu pecuniariâ, sine, redemptione, aut multâ proinde incurrendâ, forisfaciendâ, nec non absque aliquâ offensione, vel causâ contemptus seu contumaciae, per Nos, Haeredes, et Successores nostros, illis, seu eorum alicui, aut aliquibus, proinde infligendâ, irrogandâ, vel aliter adjudicandâ, exceptis tantummodo hujusmodi Casibus qui per Leges et Consuetudines Insulae et loci praedicti Regali nostrae Cognitioni atque examini reservantur, vel de jure et privilegio, nostro Regali reservari debent. Et ulterius de ampliori gratiâ nostra, ac ex certâ scientiâ et mero motu nostris, dedimus, concessimus, et confirmavimus, et per has Literas nostras Patentes, pro Nobis, Haeredibus, et Successoribus nostris, quantum in Nobis est, damus, concedimus, et confirmamus, praefatis Ballivo et Juratis, cœterisque incolis et habitatoribus Insulae et locorum maritimorum praedictorum, necnon Mercatoribus, et aliis eò confluentibus, tot, tanta, talia hujusmodi vel consimilia jura, jurisdictiones, immunitates, impunitates, indemnitates, exemptiones, libertates, et franchisias, et privilegia quaecunque, quot, quanta, qualia, et quae praefati Ballivus et Jurati, ac cœteri incolæ et habitatores, Mercatores, et alii, aut eorum aliquis, antehac legitimè et ritè usi, freti, seu gavisus fuerunt, usus, fretus, seu gavisus fuit, ac omnia et singula quaecunque alia in quibuscunque Chartis, aut Litteris Patentibus nostris, seu Progenitorum nostrorum, quondam Regum *Angliæ* seu Ducum *Normanniæ*, aut aliorum, eis, seu eorum predecessoribus, antehac data, concessa, vel confirmata, et non revocata seu abolita, quocunque nomine, seu quibuscunque nominibus, iidem Ballivus, Jurati, ac cœteri incolæ et habitatores ejusdem Insulae, et locorum maritimorum praedictorum, aut eorum predecessores, aut eorum aliqui vel aliquis, in eisdem Litteris Patentibus, seu earum aliquibus, censeantur, nuncupentur, aut vocentur, seu censi, nuncupari, aut vocitari debuerunt, seu soliti fuerunt; ac ea omnia et singula, licet in Praesentibus minimè expressa praefatis Ballivo et Juratis, ac coeteris incolis et habitatoribus Insulae et locorum maritimorum praedictorum, necnon Mercatoribus, et aliis eò confluentibus, indigenis et alienigenis, per Praesentes confirmamus, consolidamus, et de integro ratificamus, adeo plenè, liberè, et integrè, prout ea omnia et singula in eisdem Literis Patentibus contenta, modo particulariter, verbatim, et expressè in praesentibus Litteris nostris Patentibus recitata et declarata fuissent. Salvâ semper atque illabefactatâ supremâ Regiâ Potestate, Dominatione, atque Imperio Coronae nostrae *Angliæ*, tam quoad ligeantiam, subjectionem, et obedientiam Insulae praedictae, et aliorum quorumcunque infra Insulam et loca praedicta commorantium sive dependentium, quàm quoad Regalitates, privilegia, res, redditus, vectigalia, ac coetera jura, proficua, commoditates, ac emolumenta quaecunque infra Insulam et loca praedicta Nobis, Haeredibus, et Successoribus nostris, per prerogativam Coronae nostrae *Angliæ*, sive Ducatus *Normanniæ*, seu aliter ex antiquo debita et consueta: Salvis etiam Appellationibus et Provocationibus quibuscunque Insulae praedictae, ac aliorum ibidem commorantium sive

degentium, in omnibus ejusmodi casibus qui Legibus et Consuetudinibus Insulæ et locorum prædictorum, Regali nostrae cognitioni atque examini reservantur, vel de jure aut privilegio nostro Regali reservari debentur; aliquâ sententiâ, clausulâ, re aut materiâ quacunque, superiùs in Praesentibus expressâ et specificatâ in contrarium, in aliquo nonobstante. Proviso semper, quod aliqua clausa, articulus, sive aliquod aliud in praesentibus nostris Litteris Patentibus expressum et significatum, non exponantur, interpretentur, seu se extendant ad aliquid quod sit, vel fieri possit, Nobis, vel Haeredibus nostris praejudiciale, quoad aliqua tenementa, terras, redditus, Regalitates, vel hereditamenta nostra infra Insulam prædictam. Postremo volumus, ac per Praesentes concedimus, quod dicti Ballivus et Jurati, ac coeteri incolae et habitatores Insulae prædictae, necnon Mercatores, et alii illic commorantes seu confluentes, habeant, et de tempore in tempus habere possint, has Litteras nostras Patentes, sub magno Sigillo nostro *Angliae* debito modo factas et sigillatas, absque fine, seu feodo, magno vel parvo, Nobis in Hanaperio nostro, seu alibi, ad usum nostrum pro praemissis quoquomodo reddendo, solvendo, vel faciendo; Eo quod expressa mentio de vero valore annuo, aut de certitudine praemissorum, sive eorum alicujus, aut de aliis donis, sive concessionibus, per Nos, vel per aliquos Progenitorum sive Predecessorum nostrorum, praefatis Ballivo et Juratis, ac coeteris incolis et habitatoribus Insulae prædictae, sive eorum alicui, antè haec tempora factis in Praesentibus minimè facta existit, aut aliquo statuto, actu, ordinatione, provisione, proclamatione, sive restrictione in contrarium indè antehac habita, facta, editâ, ordinatâ, seu provisâ, aut aliquâ aliâ re, causâ, vel materiâ quacunque in aliquo nonobstante. In cujus rei testimonium has Litteras nostras fieri fecimus Patentes. Teste meipsâ apud *Greenwiche*, vicesimo septimo die *Junii* anno Regni nostri quarto.—Per Breve de Privato Sigillo.

NUMBER VIII.

The Bull of Pope Sixtus IV. touching the Privilege of Neutrality, contained in an Inspecimus of K. Henry VIII.

HENRICUS Dei gratia Rex *Anglie, & Francie, & Dominus Hibernie*, omnibus ad quos Praesentes Littere pervenerint, Salutem. Constat nobis per inspectionem Rotulorum Cancellarie nostrae, quod nos nuper Litteras nostras Patentes fieri fecimus in haec verba. HENRICUS Dei gratia Rex *Anglie, & Francie, & Dominus Hibernie*, omnibus ad quos Praesentes Littere pervenerint, Salutem. Inspecimus Litteras Patentes celebris memoriae Domini *Henrici* nuper Regis *Anglie*, Patris nostri, factas in haec verba. HENRICUS Dei gratia Rex *Anglie, & Francie, & Dominus Hibernie*, omnibus ad quos Praesentes Littere pervenerint, Salutem. Inspecimus sacras Litteras Apostolicas felicis, recordationis Patris & Domini, Domini *Sixti*, divina, Providentia *Pape Quarti* nuper Apostolatum & Locum *Petri* Catholice gubernantis, ejus vera Bulla plumbea, cum filis sericeis rubei *Croceique* colorum, more *Romane Curie*,

impudentibus, bullatas, sanas siquidem & integras, non viciatas, non cancellatas, nec in aliqua sui parte suspectas, sed omni prorsus vitio et suspitione carentes, ut in eisdem nobis evidentissimè apparuit, pro parte Serenissimi Principis clare memoire EDWARDI QUARTI Regis, Predecessoris nostri, atque universorum incolarum & habitatorum, tam Ecclesiasticorum quam Secularium ac Regularium, de GERESY, & *Guernesey, Aureney*, aliarumque illis vicinarum Insularum nostrarum *Constantiensis Diocesis*, in eisdem Litteris Apostolicis principaliter nominatarum, pro communi pace, commodo, tranquillitate, & salute, tam Spiritualium quam etiam Temporalium Subditorum nostrorum, in prenomminatis Locis & Insulis degentium, impetratas & obtentas, ac per ipsum eadem bone memorie Summum Pontificem, ad bonorum tutelam, & malorum perniciem, ac refrenationem, nonnullis rationibus ad conservationem universe reipublice iatroductis agitatum & commotum, presertim pro bona pace, quiete, & utilitate Communitatis & Gentis predictarum nostrarum Insularum, benigne indultas, favorabiliter & donatas, hujusmodi qui sequitur sub tenore. SIXTUS Episcopus, Servus servorum Dei, ad perpetuam rei memoriam. Ad bonorum tutelam, et malorum perniciem et vindictam, Justicia celitus emanavit, ut qui virtutis amore peccare non dubitant, peue formidiae arceantur; & quos timor Dei a malo non revocat, illorum audaciam Ecclesiastica Serveritas interdicit. Sane carissimi in Christo filii nostri, *Edwardi Regis Anglie illustris*, ac dilectorum filiorum universorum incolarum & habitatorum, tam Ecclesiasticorum quam Secularium, ac Regularium de GERESY, *Guernesey, & Aureney*, aliarumque illis vicinarum Insularum *Constantiensis Diocesis*, lamentabilis querela ad aures nostras pervenit, ineffectum continens, Quod nonnulli Predones, Pirate, Raptores hostiles, Cursarii bellicosi, necnon Latrunculi maritimi, aut Malefactores & Presumptores, iniquitatis filii, Deum pre oculis non habentes, & a malo se abstinere nescientes, ad predictas Insulas mari Oceo ano circumdatas, & in qua Insula *Guernesey Beati Petri in Portu maris* nuncupata, ac quamplures alie Ecclesie & Monasteria, tam in dicta Insula (*) de *Guernesey*, quam aliis Insulis predictis, site & fundate existant, necnon Patrimonium seu dotes, & bona, tam ad predictam Beati *Petri*, quam ad diversas alias Ecclesias in Insulis hujusmodi existentes, pertinentia existant, Necnon ad Portus, & Haffuras, & alia loca maritima earundem Insularum vicina consistentia; cum Fustis, seu aliis Piraticis Navigiis, & Armis, ac alias, hostiliter more Piratarum, Cursariorum bellicosorum, latrunculorum maritimorum sepsime accedunt, & temere tam interra quam in mari, et tam in dictis Insulis et locis Maritimis, quam extra illa, habitatores et incolas de dictis Insulis, Ecclesiasticos etiam, Seculares et Regulares Personas, necnon Mercatores, eorumque Procuratores, factores, et negotiorum suorum gestores, navigantes, piscatores, ac naves eorum, ac nautas, stantes, vel euntes per mare ad diversas partes seu redeuntes, cum eorum navibus, Mercantiis, et bonis, ex diversis mundi partibus, necnon etiam alienigenas Mercatores, eorumque factores, in predictis navibus dictorum incolarum et habitatorum, cum eorum Mercantiis, et bonis, etiam de diversis nationibus existentes, ac etiam ipsos alienigenas navigantes et mercatores, eorumque naves, naviculas,

(*) This word is left out in the Original at the Rolls.

nautas, factores, ac Piscatores, cum eorum Mercantiis, navibus, et bonis, etiam de diversis mundi partibus ad Insulas et loca maritima predicta, tam pro evitandis tempestatibus, quam pro aliis suis licitis peragendis negotiis, concurrentes, et inibi stantes, ac ab illis recedentes, cum injectione manuum violentarum, et iuvadere, detinere, arrestare, vexare, torturis afficere, rapere, furari, depredari, et asportare, et quod detestabilius est, Ecclesiarum Insulis predictis seu locis hujusmodi consistentium, foribus etiam earum fractis, bona, et interdum Calices, et alia ornamenta Divino Cultui deputata, similiter furari, rapere, et asportare, domosque, naves, et bona igne appposito cremare, et cremari facere, fruges, et animalia levare, ac incolas, Mercatores, et habitatores, eorumque factores supradictos, tanquam eorum captivos abducere, et ipsos carceribus mancipare, verberare, vulnerare, et aliquoties interficere, aut in mare projicere, et multoties submergere, represalias quoque seu Marchas, necnon appatissas, et contramarchas contra ipsos etiam, pro noxa aliorum qui de Insulis et Locis predictis non existant, dare seu imponere, ac ipsos arrestare, quousque se una cum eorum navibus, Mercantiis et bonis, pro certis pecunie summis eis insupportabilibus redemant, et alia quamplura mala inibi perpetrare presumunt, in gravamen Dei et Ecclesiastice Libertatis, offensam dicti Sancti Petri, et aliarum Ecclesiarum, ac Monasteriorum, Hospitalium, et aliorum Locorum Ecclesiasticorum, necnon incolarum, et navigantium, ac ad Insulas et Loca Maritima predicta confugientium et concurrentium, Mercatorum, et persanarum predictorum maximum prejudicium et detrimentum; Suntque etiam nonnulli qui predones, Piratas, Raptores hostiles, Cursarios bellicosos, Latrunculos, Malefactores et Presumptores hujusmodi, in suis Civitatibus, terris, Castris, et locis receptant, et ab eis hujusmodi ablata bona emunt, seu recipiunt, et alias super illis contrahunt, eisque in premissis alias dant auxillium, concillium, vel favorem, sententias, censuras, & penas a jure, & que consueverunt in *die Cene Domini*, contra similes Piratas per *Romanos Pontifices* publicari, incurrendo, in ipsorum animarum dampnabile & grave periculum & detrimentum; Quare pro parte Regis, incolarum & habitatorum predictorum, nobis fuit humiliter supplicatum, ut ipsorum & predictorum omnium & singulorum, ac dictarum Ecclesiarum, statui & indemnitatibus super hoc providere de Benignitate Apostolica dignaremur. Nos igitur, ad quos ex debito Pastoralis Officii nobis Divina dispositione commissi, pertinet tam nepharios ausus reprimere, ipsorumque Predonum, Piratarum, Raptorum hostilium, Cursariorum belliciosorum, Latrunculorum, & aliorum Malefactorum temeritatem, ne illa nimium invalescat, condigna punitione corrigere, hujusmodi supplicationibus inclinati, Universis & singulis personis, cujusvis nobilitatis, preeminentie, status, gradus, ordinis, vel conditionis fuerint, quacunque Ecclesiastica seu Mundana prefulgeant dignitate, Auctoritate Apostolica, teure Presentium Districtius inhibemus, illos quoque monemus, & illis mandamus, sub Excommunicationis, Anathematis, ac Maledictionis Eterne, & bonorum confiscationis sententiis, censuris, & penis, quas alias eo ipso contrafacientes incurrant, ut a similibus de cetero se abtineant, nec ea, aut eorum aliquod, imposterum facere, aut illa facientibus auxilium vel favorem publice, vel occulte, directe vel indirecte, quoquo modo prestare presumant; Alioquin Nos in omnes & singulos Predones, Piratas, Raptores hostiles, Cursa-

rios, Latrunculos bellicosos, Malefactores, & Presumptores hujusmodi, qui ad dictas Insulas, Portus, Haffuras, & loca maritima, etiam per visum hominis a predictis Insulis distantia, predicta, Piratico more, hostiliter, vel alias dolose, accesserint, descenderint, aut intraverint, seu illarum incolas, habitatores, & personas tam Ecclesiasticas quam Seculares, Mercatores, eorumque Procuratores, factores, & negotiorum suorum gestores, nautas, navigantes, piscatores, aut alias Alienigenas quoque navigantes, & Mercatores, eorumque Procuratores, factores, nautas, procuratores cum eorum Mercanciis & bonis, supra Mare, ac per fluxum ipsus, etiam quarumcunque partium aut Nationum existant, in manibus dictorum habitatorum existentes, ac etiam eorundem Alienigenarum Mercancias in predictis navibus dictorum habitatorum transfretatas, & per ipsos habitatores ubique locorum tam in terra quam in mari causa venditionis mercanciarum earundem, vel alias, asportaverint, Necnon alienigenas navigantes, mercatores, eorumque procuratores, factores, nautas, piscatores, cum eorum navibus, naviculis, Mercanciis, rebus, & bonis, ad dictas Insulas, & loca maritima predicta, per visum hominis, de quibuscunque Mundi partibus aut Nationibus existant, tam pro evitandis tempestatibus, seu immunitate obtinenda, quam pro aliis suis licitis peragendis Negotiis concurrentes, aut inibi stantes, vel ab illis locis recedentes, & alias ut preferatur, iuvaserint, insidiati fuerint, ceperint, detinuerint, verberaverint, vulneraverint, carceribus mancipaverint, & ad redemptiones cœgerint, represalias quoque, seu Marchas, vel appatissas, aut contramarchas contra eos apposuerint, seu appositas exigerint, & Ecclesias, fruges, loca, domos, bona, & alia edificia antedicta concremaverint, navesque, naviculas, & alia navigia, necnon libros, Calices, Ornamenta Ecclesiastica, fructus, redditus, & proventus, at quecunque alia bona predicta asportaverint, aut in predam abduxerint, seu alia mala predicta in Insulis, Portibus, Haffuris, & locis maritimis predictis, incolisque & habitatoribus eorundem, seu alias ut preferatur, etiam Guerrarum vel inimicitiarum, necnon Treugarum seu Pacis, aut quocunque tempore perpetraverint, & alias, contra inhibitionem, monitionem, & mandata nostra hujusmodi, temere venire presumpserint, Necnon in omnes & singulos qui talibus Predonibus, Piratis, Latrunculis hostilibus, Cursariis bellicosis, ac Malefactoribus & presumptoribus prefatis auxilium, consilium, favorem, aut juvamen scienter impenderit, sive eos in portibus, Civitatibus, Castris, villis, atq; locis suis receptaverint, vel ab eis bona ablata hujusmodi scienter emerint, seu alias super illis contraxerint, Excommunicationis, Anathematizationis, Eterneque maledictionis, atque eorum omnium bonorum confiscationis, & occupantibus illa libere concessionis & donationis Sententias, Censuras, & penas per Præsentes ferimus & promulgamus, ac eos, & eorum quemlibet excommunicamus, anathematizamus, eisque & eorum cuilibet similiter maledicimus, eorumq; bona omnia confiscamus, & occupantibus illa libere concedimus & donamus, ipsorumque non parentium Universitates, Communitates, oppida, castra, villas, & loca ad que Predones, Piratas, Raptores hostiles, Cursarios bellicosos, Latrunculos, Malefactores, & presumptores supradictos declinare contigerit & in quibus ipsi recepti, & bona predicta scienter vendita aut distracta fuerint, Interdicto Ecclesiastico volumus subjacere, eosque & quamlibet ipsorum inhabilitamus, ita quod sint

ineligibiles, eorumque actus & testamenta non valeant, Et nichilominus ipsos omni honore & dignitate, tam Ecclesiastica quam mundana, necnon feudis que ab Ecclesiis obtinent perpetuo privamus, ac inhabiles reddimus & indignos, ac si ullam (*) jurisdictionem habeant eam perdant, eorumque Subditos & Vasallos a juramento fidelitatis per eos forsitan prestito absolvimus, Et si aliqui ex ipsis Latrunculis vel aliis malefactoribus prefatis Tabelliones seu Notarii fuerint, eorum non valeant instrumenta; Et nichilominus venerabilibus fratibus nostris *Cantuariensi Archiepiscopo*, & *Saresburiensi Episcopo*, ac dilecto filio *Basilice Principis Apostolorum de Urbe Archipresbytero*, per Apostolica Scripta mandamus, quatenus ipsi, vel duo, aut unus eorum, per se, vel alium, seu alios, Presentes Litteras nostras, sive earum transumpta, per dictas Insulas, Portus, Haffuras, & loca maritima predicta, necnon alia loca de quibus ac quoties pro parte Regis, incolarum, & habitatorum predictorum, vel aliquorum eorum, fuerint requisiti, Auctoritate Apostolica solempniter publicantes, & publicari mandantes, ipsisque Ecclesiis, habitatoribus, incolis, mercatoribus, & piscatoribus predictis, necnon Christi Fidelibus quorum intererit efficacis defensionis presidio assistentes, Predones, Piratas, Raptores hostiles, Cursarios bellicosos Latrunculos, Presumptores, & Malefactores, Librorum, Ornamentorum, rerum & aliorum bonorum predictorum occupatores, raptores, verberatores, detentores, depredatores, abductores, repres aliasque seu Marchas vel appatissas aut Contramarches ponentes, aut asportantes, Necnon eos qui talia fieri seu committi mandaverint, seu fecerint, aut eorum nomine seu mandato facta seu commissa rata & grata habuerint, quos per summariam informationem invenerint talia perpetrasse, pro tempore, ipsorumque receptatores seu defensores, necnon illis auxilium, consilium, vel favorem prestantes, ut bona rapta & spoliata abducta restituant, seu de ipsis et aliis similibus per eos commissis debitam satisfactionem impendant, & si infra dictum terminum id non adimpleverint, in illos omnes & singulos malefactores generalem Excommunicationem, Anathematizationem, nostramque maledictionem & eorum bonorum confiscationem, privationem, et alias sententias, censuras, & penas, tam a jure quam ab homine, proferant, necnon eorum Communitates, Universitates, Castra terras, loca, villas interdiciant, necnon Excommunicatos, Anathematizatos, maledictos fore, & sua bona confiscata esse, & alias penas & censuras predictas incurrisse, & eorum loca, terras, & villas esse interdictas, ut preferitur, in Ecclesiis, & locis publicis, in predicationibus, Missarum Solempnibus, Festivis & aliis diebus in quibus eis videbitur expedire, cum major in eis fuerit Cleri & populi multitudo, Campanis pulsatis, Candelis accensis, & demum extinctis, et in terram projectis, ac Cruce et libro elevatis, publice nuntient, et ab aliis nuntiari, et ab omnibus arcius evitari faciant, donec ad cor reversi plenam restitutionem fecerint de ablatiis, ac dampnis, interesse, et expensis propterea subsecutis, necnon a Sententiis, censuris, et penis predictis, absolutionis beneficium, & Interdicti relaxationem, ac reconciliationis, gratiam meruerint obtinere, contradictores per censuram Ecclesiasticam & alia juris remedia appellatione postposita compescendo, invocato etiam ad hoc si opus fuerit auxilio brachii, Secularis, a presentibus, autem

(*) In the original at the Rolls it is *nulla*, which seems to be a mistake.

censuris et penis nullam Conditionem hominum aut Sexum eximimus, non Patriarchas, non Archiepiscopos, non Episcopos, aut cujusvis generis Prelatos non Reges, non Reginas, non Duces; non Marchiones, non Comites, non ullius alterius dignitatis vel nominis Presidentes, imo expresse eos obnoxios esse, et reos presentium Censurarum decernimus: Nolentes privilegium ullum, ullam indulgentiam, ullas Litteras Apostolicas vim quoruncunque verborum habentes, processibus et Litteris nostris hujusmodi obstare; rogantesque omnipotentem et misericordem Deum, ac suppliciter deprecantes, ut animas que vinculis harum Censurarum ligatæ non sunt ne ligentur conservet, que vero ligatæ sunt ad Salutem et meritum absolutionis convertat. Ceterum si forsán hujusmodi Predonum, Piratarum, Raptorum hostilium, Cursariorum bellicosorum, Latrunculorum, Malefactorum, & presumptorum predictorum, atque ea fieri mandantium, & eos receptantium, ipsisque dantium per se, vel per alium, seu alios, directe vel indirecte, publice vel occulte auxilium, consilium, vel favorem, presentia, pro publicatione Presentium, ac monitionibus, requisitionibus, & denuntiationibus, seu citationibus hujusmodi faciendis secure vel commode haberi nequiverit, eisdem nostris Delegatis publicationes, monitiones, requisitiones, denunciationes, & citationes quaslibet hujusmodi per edita publica locis affigenda publicis, de quibus sit verisimilis conjectura quod ad notitiam monitorum et citatorum hujusmodi pervenire possint faciendi, ita quod monitiones requisitiones, denunciationes, citationes, & publicationes hujusmodi perinde valeant, ac si ipsos monitos, requisitos denuntiatos, citatos, & publicatos arceant, ac si eis facte, intimate, & insinuate, personaliter & presentialiter legitime extitissent; Necnon ut ipsi Malefactores, & alii Excommunicati, aut Anathematizati, interdicti, maledicti, & privati predicti, commodius ad gremium Sancte Matris Ecclesie devenire valeant, Archiepiscopo, Episcopo, & Archipresbytero præfatis, & eorum cuilibet, per se, vel alium, seu alios, ipsos pro tempore excommunicatos, anathematizatos, interdictos, & maledictos, & eorum quemlibet, si, & postquam de premissis plenarie & competenter satisfecerint, & id humiliter fieri petierint, injunctis inde eis pro modo culpe Penitentia salutari, & aliis que de jure conspexerint injungenda, ab Excommunicationis Censuris, & penis predictis, Auctoritate Apostolica absolvendi, eosque ad Sacramenta Ecclesie, ac ad Famam, honores, & dignitates, in pristinum statum restituendi & habilitandi, ac interdictum hujusmodi tollendi & amovendi, ac etiam ad tempus relaxandi, & cetera desuper necessaria, quomodolibet opportuna faciendi, plenam & liberam Auctoritate Apostolica concedimus facultatem, Articulo tantum Mortis excepto, in quo etiam satisfactionem, vel cautionem Canonicam, ab eis volumus exigendam; Similibus Excommunicationibus, Censuris, & penis innodantes Sacerdotes illos, tam Seculares, quam cujusvis Ordinis Regulares, qui sic excommunicatos, anathematizatos, interdictos, maledictos, privatos, etiam in ipso Mortis articulo constitutos, aliter quam ut prefertur absolverint, eisq; Predicationem, Lectionem, Administrationem Sacramentorum, auditionemque Confessionum, interdicimus per Presentes; Confirmamus quoq; omnia & singula privilegia, Litterasque Apostolicas, contra Predones, Piratas, Latrunculos, Cursarios, & alios malefactores predictos, cum suis Censuris & penis, hæcenus tam dictis Insulis quam alias auctoritate Apostolica concessa,

Nonobstantibus felicis recordationis *Bonifacii Pape VIII.* Predecessoris nostri, illis presertim quibus cavetur ne aliquis extra suam Civitatem vel Diocesim, nisi in certis exceptis Casibus, & in illis ultra unam dietam a fine sue Dioceseos, ad iudicium evocetur, seu de Judices a Sede prefata deputati, extra Civitatem & Diocesim in quibus deputati fuerint, contra quoscunque procedere, sive alii vel aliis vices suas committere, aut aliquos ultra unam Dietam a fine Dioceseos eorundem trahere presumant, & de duabus dietis in Consilio Generali, necnon de personis ultra certum numerum non vocandis, aut aliis editis que eorundem Delegatorum nostrorum possent in hac parte jurisdictioni aut potestati, eorumque libero exercitio quoquomolibet obviare, & tam privilegiis, Litteris, & Indultis Apostolicis hujusmodi, que quoad hoc ipsis volumus aliquatenus suffragari, quam aliis Apostolicis Constitutionibus & Ordinationibus contrariis quibuscunque, aut si aliquibus communiter vel divisim ab eadem sit Sede indultum, quod interdicti, suspendi, vel excommunicari, aut extra vel ultra certa loca ad iudicium evocari non possint, per Litteras Apostolicas non facientes plenam & expressam ac de verbo ad verbum de Indulto hujusmodi mentionem; Et insuper quia difficile foret incolis & habitatoribus, & aliis personis predictis, Presentes Litteras ad singula loca in quibus ille Littere necesserie forent, portare aut exequi, Volumus, & eadem Auctoritate decernimus, quod illarum Transumpto, manu Notarii Publici subscripto, & Sigillo alicujus Officialis munito, ea prorsus fides adhibeatur, & illis stetur in omnibus & per omnia, sicut Presentibus Litteris Apostolicis Originalibus staretur si forent exhibite vel ostense. Ut autem hujusmodi Processus nostri ad omnium hominum notitiam deducantur, Litteras Apostolicas hujusmodi Processus continentes, in valvis dicte *Basilice*, necnon *Cantuariensis*, *Londonienseis*, *Sarisburienseis*, *Nannetenseis*, *Leonenseis*, *Trecorensis*, ac dicte *Sancti Petri in portu Maris* dicte Insule *Guernesey*, *Ecclesiarum*, affigi volumus & mandamus, qui processus ipsos suo quasi preconio & patulo iudicio ita iudicabunt hos quos hujusmodi processus contingunt, ut quod ad ipsos non pertinuerit aut ea ignoraverint nulla possint excusationem pretendere, vel ignorantiam alligare, cum non sit verisimile quoad eos remanere incognitum vel occultum, quod tam patenter omnibus fuerit publicatum. Nulli ergo omnino homini liceat hanc paginam nostrarum inhibitionis, monitionis, promulgationis, Excommunicationis, Anathematizationis, Maledictionis, Confiscationis, concessionis, donationis, interdicti, inhabilitationis, privationis, absolutionis, mandati, Constitutionis, Confirmationis, & voluntatis infringere, vel ei ausu temerario contraire; Si quis autem hoc attemptare presumpserit, indignationem Omnipotentis Dei, & Beatorum *Petri & Pauli* Apostolorum ejus, se noverit incursum. Datum *Rome* apud *Sanctum Petrum*, anno Incarnationis Dominice millesimo quadringentesimo octuagesimo tertio, Kalendis *Marci*, Pontificatus nostri anno decimo. Nos vero considerantes quantum Sacrosancta *Romana mater Ecclesia* salutem, pacem, prosperitatem, bonumque, & perpetuum reipublice successum universorum incolarum & habitatorum, tam Ecclesiasticorum quam Secularium ac Regularium, subditorum nostrorum de *GERSEY*, *Guernesey*, & *Aureney*, aliarumque illis vicinarum vostrarum Insularum *Constantienseis Dioceseos* zelabatur dum Predones, Piratas, Raptores hostiles, Cursarios bellicosos, necnon Latrunculos, ac pre-

sumptores, & sceleratos factores quoscunque, qui gravamen, furtum, rapinam, vel alia quarumcunque injuriarum genera, sicuti latius in tenore Litterarum Apostolicarum, superius dictum est, contra & adversus dictas nostras Insulas Mari Oceano circumdatas, seu habitatores aut incolas earum, Ecclesiasticas quascunque seu Seculares personas, irrogant, imponunt vel committunt, sua divina celestique justitia omnes & singulos suis censuris & penis prosequitur, aliisque acrimoniis & bonorum amissionibus in eisdem Litteris Apostolicis contentis & promulgatis percellit, ac etiam formidine Excommunicationis, Anathematizationis, & Interdicti, ac aliarum penarum ex potestate gladii Spiritualis procedentium, quantum sibi possibile fuit, reprimit, refrenat, & compescit; pari zelo & cura consimili Nos ducti pariter & commoti, Regalis Officii nostri proprium esse considerantes, ut Subjectorum nostrorum iudemnitatibus commodisq; proviribus inteati provideremus, quo longe magis excussis amotisq; eorum omnibus & injuriis ac gravaminibus, & tranquillius, & letius ipsis quiescentibus vitam duceremus, haud inscii Seculares Principes intra Ecclesiam potestatis adepte culmina idcirco tenere, ut per eandem potestatem Disciplinam & Ordinationem Ecclesiasticam subjectione Gladii Temporalis, cum opus fuerit, muniant & defendant, Litteras igitur Apostolicas predictas, atque de verbo ad verbum superius contentas, omnia denique & singula in eisdem contenta, rata & grata habentes, ea pro Nobis, & Heredibus nostris, quautum in nobis est, acceptamus & approbamus, ac eas, secundum tenorem & continentiam earundem, debitum, effectum & executionem ubique locorum sortiri volumus & mandamus, ac prefatis genti & communitati Insularum nostrarum predictarum, heredibus & successoribus suis, tenore Presentium ratificamus & concedimus, ac corroboramus, in omnibus & per omnia, prout Apostolice Littere predictae favorabiliter testantur. Et Nos ulterius memorie nostre reducentes, quam, fideliter & constanter dicte gens & communitas dictarum nostrarum de JERESEY, Guernesey & Aurenay Insularum *Constantiensis Dioceseos*, Nobis & Progeutoribus nostris, bonam fidem & legeantiam jure subjectionis prestiterunt, & quanta discrimina, pericula, & perdita, pro salvatione nostrarum Insularum predictarum, & fidelitate tenenda quam Nobis & nostre Corone *Anglie* debere tenentur, sustinuerunt, de gratia nostra exuberante volumus & largimur eisdem Genti & Communitati, heredibus & Successoribus suis, liberam potestatem & facultatem, tam has Litteras supradictas Apostolicas, quam istas nostras licentiam, acceptationem, & concessionem, per omnia & singula Civitates & Oppida, sive Universitates, communitates, castra, villas, terras, & loca alia quecunque, ultra vel citra mare existentia, Patriarchis, Archiepiscopis, Episcopis, & aliis ejusvis generis Prelatis, necnon Regibus, Regiis, Ducibus, Marchionibus, Comitibus, & aliis alterius dignitatis aut nominis cujuscunque Presidentibus, guerrarum vel inimicitiarum, necnon treugarum seu pacis aut tempore quocunque, publicandi, intimandi, notificandi ac ad notitiam eorundem omnium & singulorum predictorum deducendi, necnon insuper earundem Litterarum Apostolicarum, licentiaeque, acceptationis, & concessionis nostrarum, debitum effectum & executionem ubique locorum implorandi, sollicitandi obtinendique & consequendi. Proviso semper quod incole & habitatores predictarum nostrarum Insularum, in publicatione, intimatione, notificatione Litterarum Apostolica-

ram prefatarum, sive executione, earundem, pacis sive guerre, aut aliocun- que tempore habita & facta nichil attemptent, seu attemptet eorum aliquis, faciant aut faciat aliqualiter attemptari, contra honorem nostrum, cujus occa- sione seu pretextu Dominio nostro, aut nostre Corone *Anglie*, sive juri sub- jectionis vel Regalie quam jure hereditario in Insulis nostris antedictis habemus & possidemus, aliquod prejudicium generetur; Volentes insuper incolas et habitatores subditos nostros dictarum nostrarum Insularum, eadem lege & provisione teneri & obligari, ut si quando contigerit Predones, Piratas, Raptores hostiles, Cursarios bellicosos, Latrunculos, Presumptores, aut Malefactores, dictas nostras Insulas, sive incolas, bona, res, vel posses- siones eorundem, manu, armata vel aliter, invadere, detinere, arrestare, vexare, rapere, depredare, aut per violentiam aliquam injuste asportare, tunc prefati nostrarum predictarum, Insularum habitatores & incole teneantur & debeant arma sumere, ac jus & Dominium nostrum cum omni eorum potes- tate & perseverantia tueri et defendere; Proviso etiam ut si quando homines eujusunque Nationis extraneæ, dignitatis, status, conditionis, aut rominis fuerint, pacis, treuge, sive guerre, aut alio quocunque tempore, Piratarum seu more Predonum, mercatorumve sub specie, inermes vel cum armis, aut alio velamine seu colore quocunque, ad has nostras supradictas Insulas venire, & sua navigia in littore earundem applicare, seu portum illic appetere censeantur, eo modo et taliter quod per aliquam possibilem probabilem verationem, sive verisimilem conjecturam, numero hominum, aut potentia armorum, dolo vel insidiis, contra habitatores et incolas nostros subditos in Insulis predictis possunt prevalere, ac eosdem habitatores, in prejudicium Juris & Domini nostri, ac lesionem eorundem, expugnare & comprimere, tunc habitatores & incole nostri subditi supradicti teneantur & sint astricti arma movere, tela & habilimenta guerre assumere, ac introitum hominum quorumcunque sic ut premititur venientium in nostras Insulas antedictas, & applicationem eorundem, viribus suis et armis quibus possint impedire et resistere, Jusque, Domini, et Subjectionem que hactenus habuimus in omnibus et per omnia, a faucibus emulorum nostrorum quocunque inva- dentium, Nobis et Heredibus nostris salvare, et inperpetuum defendere. In cujus rei testimonium, has Litteras nostras fieri fecimus Pateutes teste meipso apud *Westmonasterium* sexto die *Februarii*, anno Regni nostri primo. Nos autem Litteras predictas ac omnia et singula in eisdem contenta, rata habentes et grata, ea pro Nobis, & Heredibus nostris, quantum in nobis est, acceptamus et approbamus, ac prefatis Genti & Communitati Insularum nostrarum predictarum, heredibus et successoribus suis, tenore Presentium ratificamus & confirmamus, prout Littere predictæ in se rationabiliter tes- tantur, In cujus rei testimonium, has Litteras nostras fieri fecimus Patentes. Teste meipso apud *Westmonasterium*, primo die *Maii*, anno Regni nostri primo. Nos autem pro eo quod Littere predictæ casualiter sunt amisse, prout *Thomas Goslynge* coram nobis in Cancellaria, nostra Sacramentum prestitit corporale, et quod Litteras illas, si eas inposterum, riperiri conti- gerit, nobis in eandem Cancellariam restituet ibidem cancellandas, tenorem Litterarum nostrarum predictarum, ad requisitionem prefati *Thome Goslynge*, duximus exemplificandas per *Presentes*. In cujus rei testimonium, has Litteras

nostras fieri fecimus Patentes. Teste meipso apud *Westmonasterium*, duodecimo die *Maii*, anno Regni nostri quarto.

Super Plicam]

Exempl. per *Wilhelm. Malhom.* & } Clericos (*)
Wilhelm. Porter.

(*) This Exemplification has been carefully collated, with the original Patent in the Rolls Chapel; where it is to be found under the Title, *Ima. Pars Confirmation. de Anno primo Henr. VII. n. 9.*—At the end, after the words *sexto die Februarii*, follow these Articles.

Per ipsum Regem et de data predicta.

Et pro quadraginta solidis solutis in *Hanaperio*.

Consimiles littere Regis patentes habent Incole et Habitatores de *Jersey*, *Guernesey*, et *Aureney*, sub eadem data, mutatis mutaudis.

Per ipsum Regem et de data predicta.

NUMBER IX.

A Letter of the Count de Laval, Governor of Bretagne, under Francis I. King of France, to the Magistrates of Morlaix, relating to a Prize taken contrary to the Privilege of Neutrality.

GUY Conte de Laval, de Montfort, & de Quintin, Viconte de Rennes, Sire de Vitre, de la Roche, & D'Aquigny, Gouverneur & Lieutenaut general pour le Roy en Bretagne, a nos chiers & bienaimez les Seneschal et Bailiff de Morlaix, et au Sieur du Boisvion, Salut. De la part de Leonard de Dourgny Capitaine, Yvon le Gueoinnour Maistre, & des Compaignons Caezonnyers du Galion nomme Le Jehan de Morlaix; & aussy de la part de Nycollas Stanel, Thomas Compton, Jehan Blondon, Thomas Martin, Thomas Lehon, Phelippes le Marinier, Guillaume Youncq, et autres leur consors; nous a esté remonstre, sçavoir de la part desditz Dourgny, Maistre, et Compaignons dudit Galion, que puy un mois ils ont mins suz & equippe en guerre ledit Galion, & yceluy conduit a la coste Dangleterre, en intencion de grever et endommaiger lesditz enemys du Roy et de ce Pays, et que en la grant mer, entre le pays Dangleterre et l'Isle de Guernesey, quelle est de lobeissance du Roy Dangleterre ils avoient rencontre une Barque nomme le Jehan de Guernesay, dont estoit Maistre Phelipot le Marinier de ladite Isle de Grenesay, & en ycelle plusieurs Angloys, & gens de lobeissance dudit Sieur Roy Dangleterre, y aians plusieurs marchandises, tant draps, plombs, estain, que aultres, oultre aucuns de ladite Isle de Grenesay venans dudit Angleterre, portans bandieres ou estoient les Croix Rouges, pourquoy les prindrent et ont amenez au havre de Morlaix, demandant quil nous eust pleu declarer ladite Prinse estre juste et de bonne guerre, et partant ladite Barque et biens y estans leur appartenir par droiet de guerre, avecques ceulx qui y ont este prins leur prisoniers, attendu meme que ladite Isle de Guernesay est de lobeissance du Roy Dangleterre; Et de la part dudit Nycollas Stanel, Thomas Compton, et aultres susnommez, que ladite Barque est de l'Isle de Grenesay appartenant aux habitans d'ycelle, et que tous les y

estans estoit et sont desdits habitants, reserve ung nomm  *Jehan le Norzon*, quel est *Breton*, et originaire dudit *Morlaix*, qui veuait, et en bonne charite l'apportoit dudit Pays *Dangleterre* ou il estoit prisonnier de guerre, audit *Guernesay* en intencion que de la il eust trouue passage en ce dit Pays pour querir sa ranson ; et aussy ledit *Guillaume Yoncq* quel est *Anglois* lequel pareillement ils apportoit pour de la passer en ce dit Pays, ou il a aucuns de ses compaignons avoient este prisonniers a *Saint-Malo*, a porter ladite ranson, et acquitter luy et ses compaignons ; et que ladite Barque biens et Marchandies y estaus lors de ladite Priuse leur appartenoit ; reserve quelque portion de ladite Marchandie qui appartenoit a *Robert Hall*, *Anglois*, en son nom, et comme facteur daultres *Anglois*, qui fesoit en ladite Isle pour luy debvoir vendre, troquer, et esplecter, aussi reserve unze Angelots que y avoyt ledit *Yoncq* prisonnier, lesquels luy avoient este houtez par ung compaignon dudit Galion que le Maistre dyceluy cognoist bien, ensemble les Lettres de Passeporte ou Sauconduyt de venir apporter ladite ranson ; Et que neantmoins quilz soient des habitans de ladite Isle quelle jaizoit quelle soyt de l'obeissance du Roy *Dangleterre*, est neutre de tout Antiquite, tant par raison de Previlages & accordance deure les Princes, que par *Censures Apostoliques*, et mesmement par ce que nagueres a pleu au Roy notre Souverain Sire desclarer son vouler et intencion nestre quon leur eust fait guerre, sans quil fust ny soyt permis ne loisible a aucuns des Subjectz dudit Seigneur leur mesfaire, en corps ne en biens, non plus que fitz estoit de son obeissance et confederation ; Par moyen dequoy, et que aussy les Subjectz du Roy *Dangleterre* leur Maistre, par declaration de son semblable vouloyr que aux Subjectz du Roy, ou des Princes de son Alience, on neust fait en ladite Isle aucun moleste, ennuy, ne destourbier, en corps ne en biens en aucune maniere, est permis aux Subjectz desdits deux Princes aller et marchander en ladite Isle reciproquement comme, en *Terre Neutre*, deffendu et prohibe de non en ycelle, ne es bournes et lymites dicelle sentrefaire nul ne aucune guerre ou peurte, sur grosses peines et *Censures Apostoliques* ; Lesditz *Dourgny* et ceulx de son Equipaige les avoient assailly, prins, et amenez oultre leur gre avec ques leur dite Barque et biens audit Havre de *Morlaix*, neantmoins que aprez labordaison ilz eussent eu cognoissance que ilz estoient de ladite Isle, tendant lesdites Barque et biens leur appartenir, et ilz estre leurs prisonniers de guerre, contre tout droict et raison ; Et qui pis est, sans quilz se feussent aucunement mis en deffense ne resistance, se confians en leur dit *Previllaige* et *Censures Apostoliques*, aussy a ladite Declaration du Roy notre dit Souverain Seigneur, depuys que ledit *Dourgny* et plusieurs de sondit Equipaige furent entrez en ladite Barque, ung dudit Equipaige quilz ne scaivent nommer, dune rapiere et espee quil avoit, blessa en la teste ledit *Stanel*, luy fist grosse playe, a grant effusion de sang, tellement quil en a este en dangier de mort, tendant afin destre mins avecque leur dite Barque, biens, et Marchandies, au delivre, et d'estre reparez desditz oultraiges. Et de la part desditz *Dourgny* et sondit Equipaige, nous a este en replique dit et remonstre, quilz les trouverent en la grant Mer, dentre la grande Terre et ladite Isle, nyans banderolles a Croix Rouges, pourquoy les aborderent, et quant ilz y eurent trouue lesdits *Anglois*, estimant que tout eust este

Anglois, et que tel avou de Barque et Marchandie que faisoit lesditz Insulaires, estoit pour les deffendre, et contre verite les sauver auxditz *Anglois* que estoit assez apparent, et a presumer, et quilz ont eu affection plus que ledit *Dourgny*, et aussy pour les amener devers nous, afin destre adverty des Nouvelles dudit *Angleterre*, et aultres fins que eussions avise, les ont admenez audit *Morlaix*, et pose que ladite Barque, et partie desdites Marchandies sont ausditz Insulaires, que neautmoins pource quil sont de lobeissance du Roy *Dan-gleterre*, & que les *Anglois* avoient brusle l'Isle de *Das*, & aultres de ce Pays, sans avoir esgart auxdites *Censures* & *Previllaiges*, que enlz et leur ditz biens estoit de bonne Prinse, Nous requerans de chascune part les provisions de justice aux cas pertinentes. Pourquoy aprez que leurs avous baille pour avere que le plessir du Roy notre Souverain Seigneur avoit este desclare lesditz Insulaires & leur biens ne seront de guerre, moyennant quilz feussent demeurez en Neutralite, et que durant la presente guerre (*) les Subjectz dudit Seigneur y ont este Marchandamment comme en *Terre Neutre*, sans que ayons entendu que par les *Anglois* ou aultres on leur eust fait aucun ennuy en corps ne biens, ains que quant aucuns se sont efforcez de ce, lesditz Insulaires les ont aydez et secourus a leur pover, Vous avous a deux de vous, dont ledit Seigneur du *Boisyvon*, sera lun, commis & commettons pour faire information et enqueste de ce que dessus, o pouvoir de faire delivrer et restituer auxditz Insulaires ce que aurez trouve leur appartenir, tant Barque, biens, et Marchandie, que aultres choses, mesmement audit *Guillaume YOUNCQ* tel nombre dor et dargent et habilement que vous aparestra luy avoir este ainsy hostez, pource que avous ven sondit Sauconduyt et Passeporte; Et au parsurs faire information de celuy qui ainsy blessa ledit *Stanel*, et celuy que en trouverez charge le prendre et constituer prisonnier, & vous en avertir, pour en faire telle punicion que verrons au cas appartenir; Et en ce quest ledit *Robert Hall*, et les biens et marchandies que trouverez luy appartenir en ladite Barque, en son nom, et comme Facteur daultres *Anglois*, les delivrer audit *Dourgny* et ses consors, comme bonne et juste prinse de guerre, et luy mesme leur prisonnier a leur payer ranczon, a la mode et constume de la guerre, et quil est accoustume entre nous et lesditz *Anglois* en pareil cas. Dequoy faire et les choses pertinentes environ, vous avous et a deux de vous donne et donnons plein pover, auctorite et commission, en mandant a tous les aultres Offisiers feaulz et Subjectz vous estre ce touchant obeissans et entendans. Sauff en aultres choses le Droict dudit Seigneur, et de ces Offisiers, par autant que en apartiendroit aucune chose, et lautrny en toutes. Donne a *Quinon*, le viungtiesme jour de *Juin*, l'an mil cinq cens vingt et troys.

(*) *That is, the War betwixt England and France in the fourteenth year of our King Henry VIII.*

NUMBER X

Transcript of an old Manuscript-Memorial concerning the ancient Monument of la Hogue-bye in JERSEY.

FABULATUR quondam in Insulâ de JERSEY, in paludo *Sancti Laurentii*, fuisse Serpentem, qui multis dampnis & cladibus afficiebat Insulanos. Cùm autem Dominus *de Hambeyâ Normaniæ* hoc audisset, famâ & nominis gloriâ motus, illuc accessit, & Serpentem interfecit, & caput abscindit. Ut autem Servus qui eum comitabatur, gloriam ejus facti reportaret, invidiâ permotus Dominum suum interfecit, & eum sepelivit. Rediit *Hambeyam*, persuasit Domini suæ Dominum interfectum fuisse a Serpente, & se Serpentem interfecisse, qui volebat Domini mortem ulcisci. Similiter persuasit eâ causâ in ultimâ voluntate Dominum suum eam rogasse, ut eidem Servo nuberet, quod illa amore mariti concessit. Servus autem jam Dominus factus, frequentius agitabatur in somniis, & terrebatur, exclamabatq; dormiens, *O me miserum ! miserum me ! qui Dominum meum interfeci !* Illa frequentius admonuit eum Somniorum, sed tum cùm frequenter pergeret sic somnare, illa parricidium suspecta, reseravit amicis, & Judicis decreto examinatus homicidium agnovit. Illa in memoriam facti, in loco quo interfectum fuisse didicerat & sepultum, Tamulum rotundum acnumulatum erexit in Parochiâ *Sancti Salvatoris* (*), loco conspicuo, nunc *Hogam Hambeyam*, aliâs *Hogam Byam* vocitant. *Hoga* est Pyramis obtusa e terrâ, cujusmodi *Galli* vocant *Montjoyes*.

(*) *La Hogue is not in St. Saviour but in the Parish of Grouville (236).*

NUMBER XI.

The Bull of Pope Alexander VI, transferring the Islands from the Diocese of Coutance in Normandy, to that of Winchester in England.

ALEXANDER Episcopus, Servus servorum Dei, ad perpetuam rei memoriam. Ex injuncto nobis desuper Apostolicæ servitutis Officio, ad ea libenter intendimus per quæ quieti & tranquillitati statûs Catholicorum Regum & Principum opportunè consulatur ac scandalis, periculis, & dissentionibus quæ exinde evenire possent, obvietur. Cum itaque, sicut exhibita nobis nuper pro parte carissimi in Christo filii nostri, *Henrici Angliæ Regis illustris*, Pêtitio continebat, In *Is. de GERSEY & Gernesey, Chausey, Aourney, Erme, & Serke, Constantiensis Diocesis, Provinciæ Rothomagensis*, quæ sub suo Temporalis Dominio existunt, *Episcopo Constantiensi* pro tempore existenti in Spiritualibus subesse noscuntur, & propter dissentiones quæ inter *Anglicos & Gallos* sæpènumero vigent, statui præfati *Henrici* & pro tempore Regis *Angliæ* existentis, non modicum periculum imminere posset, dictarumque Insularum incolæ in Visitationibus, et aliis Spiritualibus, maxima pati possent detrimenta, nec expédiat quod Insulæ prædictæ a *Gallis* visitentur, & propterea pro securitate,

quiete, et tranquillitate præfati Regis, Statusq; sui, necesse sit ut Insulæ prædictæ a Jurisdictione præfati Episcopi dismembrentur et separentur, ac *Episcopo Wyntoniensi* pro tempore existenti (cujus Diæcesis dictæ Insulæ sunt vicinæ) perpetuò subjiciantur, quemadmodum aliàs *Villa Calesiæ*, olim *Archiepiscopo Turonensi* subjecta, ab ipso *Turonensi Archiepiscopo* exempta, & *Archiepiscopo Cantuariensi* pro tempore existenti Apostolicâ Auctoritate subjecta fuit: Nos qui scandalis et dissentionibus ne eveniant, quantum cum Deo possumus, libenter obviamus, hujusmodi supplicationibus inclinati, Insulas prædictas, illarumque incolas et habitatores, tam Ecclesiasticos quam Seculares, a Jurisdictione præfati *Constantiensis Episcopi*, Auctoritate Apostolicâ, tenore Præsentium, perpetuò eximimus et separamus, ac dicto *Episcopo Wyntoniensi* subjicimus, applicamus, et appropriamus; districtius inhibentes præfato *Episcopo Constantiensi*, ne de cætero de Insulis prædictis, illarumque incolis et habitatoribus, se intromittere, ac ullam in eos Jurisdictionem exercere quoquo modo præsumat, ac decernentes exnunc irritum et inane, si secus super his a quoquam quavis Auctoritate, scienter vel ignoranter, contigerit attemptari. Non obstantibus præmissis, necnon Subjectione per nos aliàs de dictis duabus Insulis de *GERSEY* et *Gernesey*, *Episcopo Sarisburiensi* pro tempore existenti, ad supplicationem præfati Regis facta, quam de ipsius Regis consensu omniino revocamus, cassamus, et annullamus, ac Apostolicis, necnon in Provincialibus et Sinodalibus consiliis editis, generalibus vel specialibus Constitutionibus & Ordinationibus, cæterisque contrariis quibuscunque, Nulli ergo omniino hominum liceat hanc paginam nostræ exemptionis, separationis, subjectionis, applicationis, appropriationis, inhibitionis, constitutionis, revocationis, cassationis, et annullationis infringere, vel ei ausu temerario contraire. Siquis autem hoc attemptare presumpserit, indignationem Omnipotentis Dei, ac beatorum *Petri* et *Pauli* Apostolorum ejus, se noverit incursurum. Datum *Romæ* apud *Sanctum Petrum*, anno Incarnationis Dominicæ millesimo quadriungentesimo nonagesimo nono, tertio decimo Kaleudarum *Februarii*, Pontificatûs nostri anno octavo (237).

L. PODOCATHARVS.

P. TUBA.

Superpliciam

ALEXANDER PAPA SEXTVS.

NUMBER XII.

Canons and Constitutions Ecclesiastical for the Isle of JERSEY.

JAMES R.

JAMES by the Grace of God, King of *England, France, and Ireland*, Defender of the faith, &c. To our right trusty and well beloved Counsellor, the reverend Father in God *Lancelot* Bishop of *Winton*; and to our trusty and well beloved Sir *John Peyton* Knight, Governor of our Isle of *JARSEY*, and to the Governor of the said Isle for the time being; to the *Bailiff* and *Jurats* of

the said Isle for the time being ; and to the Officers, Ministers, and Inhabitants of the said Isle for the time being ; to whom it shall or may appertain, Greeting. Whereas we held it fitting heretofore, upon the admission of the now *Dean* of that Island unto his Place, in the *interim* (until we might be more fully informed what *Laws, Canons, or Constitutions*, were meet and fit to be made and Established for the good government of the said Island in Causes Ecclesiastical, appertaining to the Ecclesiastical Jurisdiction) to command the said Bishop of *Winton*, Ordinary of the said Island, to grant his Commission unto *David Bandinel*, now *Dean* of the said Island, to exercise the Ecclesiastical Jurisdiction there, according to certain *Instructions* signed with our Royal Hand, to continue only until we might establish such *Constitutions, Rules, Canons, and Ordinances*, as we intended to settle for the regular government of that our Island in all Ecclesiastical Causes, conformed to the Ecclesiastical government established in our Realm of *England*, as near as conveniently might be: And whereas also to that purpose our Pleasure was, that the said *Dean*, with what convenient speed he might, after such Authority given unto him as aforesaid, and after his arrival into that Island, and the publick notice given of his admission unto the said Office, should, together with the *Ministers* of that our Isle, consider of such *Canons and Constitutions* as might be fitly accommodated to the Circumstances of Time, and Place, and the Persons whom they concern, and that the same should be put into order, and intimated to the *Governor, Bailiff, and Jurats* of that our Isle, that they might offer to us and to our Council such Exceptions, and give such Informations touching the same, as they should think good: And whereas the said *Dean and Ministers* did conceive certain *Canons*, and presented the same unto us on the one part, and on the other part the said *Bailiff and Jurats* excepting against the same, did send and depute Sir *Philip de Carteret* Knight, *Joshua de Carteret*, and *Philip de Carteret* Esquires, three of the *Jurats and Justices* of our said Isle: all which Parties appeared before our right trusty and well beloved Councilors, the most reverend Father in God the Lord Archbishop of *Canterbury*, the right reverend Father in God the Lord Bishop of *Lincoln* Lord Keeper of our Great Seal of *England*, and the right reverend Father in God the said Lord Bishop of *Winton*, to whom we gave Commission to examine the same, who have accordingly heard the said Parties at large, read, examined, corrected and amended the said *Canons*, and have now made Report unto us under their hands, that by a mutual consent of the said *Deputies and Dean* of our Island, they have reduced the said *Canons and Constitutions Ecclesiastical* into such Order as in their judgment may well fit the State of that Island: KNOW ye therefore, that we out of our Princely Care of the quiet and peaceable government of all our Dominions, especially affecting the Peace of the Church, and the Establishment of true Religion, and Ecclesiastical Discipline, in one uniform Order and Course throughout all our Realms and Dominions, so happily united under us as their Supreme Governor on Earth, in all Causes as well Ecclesiastical as Civil, having taken consideration of the said *Canons and Constitutions*, thus drawn, perused, and allowed as aforesaid, do by these Presents ratifie, confirm, and approve thereof: And further, We, out of our Princely Power and Regal Authority, do by these Presents signed with our

Royal Hand, and sealed with our Royal Signet, for us, our Heirs and Successors, will and command, that the said *Canons* and *Constitutions* hereafter following, shall from henceforth in all points be duely observed in our said Isle; for the perpetual government of the said Isle in Causes Ecclesiastical; unless the same, or some part or parts thereof, upon further experience and trial thereof, by the mutual consent of the Lord Bishop of *Winton* for the time being, the *Governor*, *Bailiff*, and *Jurats* of the said Isle, and of the *Dean* and *Ministers*, and other our Officers of our said Isle, for the time being, representing the Body of the said Isle, and by the Royal Authority of Us, our Heirs, or Successors, shall receive any Additions or Alterations, as Time and Occasion shall justly require. And therefore we do further will and command the said right reverend Father in God, *Lancelot* now Lord Bishop of *Winton*, that he do forthwith, by his commission under his Episcopal Seal, as Ordinary of that Place, give Authority unto the said now *Dean*, to exercise Ecclesiastical Jurisdiction in our said Isle, according to these *Canons* and *Constitutions* thus made and established (238).

De la Souveraineté du Roy (*)

Premierement, selon le devoir que nous devons a la tres excellente Majesté du Roy, il est ordonné que le *Doyen* & *Ministres*, ayans Cure des ames seront tenus un chascun de tout leur pouvoir, sçavoir, & cognoissance, d'enseigner, mettre en evidence, & declarer purement & sincerement, sans aucune feintise ou dissimulation, & le plus souvent que faire se pourra, et que les occasions s'en presenteront, que toute Puissance Forreine, estrangere, & usurpée, pour autant qu'elle n'a aucun fondement en la Parole de Dieu, est totalement, pour bonnes & justes causes, ostée & abolie; & par consequent que nulle sorte d'obeissance ou subjection, dedans les Royaumes & Domiuions de sa Majesté, n'est deüe a aucune telle Puissance; ainsi que la Puissance du Roy dedans les Royanmes d'*Angleterre*, d'*Ecosse* & d'*Irlande*, & autres ses Dominions & Contrées est la plus haute Puissance sous Dieu, a laquelle toutes Personnes, habitants & natifs dans icelles, doivent par la loy de Dieu toute fidelité & obeissance, avant & par dessus toute autre Puissance.

2. Quiconque affirmera & maintiendra, que la Majesté du Roy n'a la même Autorité en Causes Ecclesiastiques, comme entre les *Juifs* ont eü les Rois religieux, & les Empereurs

Of the King's Supremacy.

First, according to the duty we owe to the King's most excellent Majesty, it is ordained that the *Dean* and *Ministers*, having Cure of Souls, shall be obliged to the utmost of their Power, Knowledge, and Learning, purely and sincerely, without feigning or dissembling, and as often as they may, and occasions shall offer themselves, to teach, publish, and declare, that all Foreign, strange, and usurped Power, forasmuch as it has no foundation in the Word of God, is wholly, for good and just causes, taken away and abolished; and that consequently no manner of obedience or subjection is due, within the Kingdoms and Dominions of his Majesty, to any such Power; but that the King's Power within the Kingdoms of *England*, *Scotland*, and *Ireland*, and other his Dominions and Countries, is the highest Power under God, to which all Persons, natives and inhabitants within the same, do by God's Law owe all loyalty and obedience, before and above all other Power.

2. Whosoever shall affirm and maintaine, that the King's Majesty has not the same Authority in Causes Ecclesiastical, which godly Kings had among the *Jews*, and Christian Em-

(*) The *Canons* are originally in French, and the English in the opposite column is only a Translation.

Chrétiens en l'Eglise Primitive; ou quiconque donnera aucun empeschement, en quelque maniere que ce soit, a la souveraineté du Roy esdites Causes; & quiconque affermera que l'Eglise d'Angleterre, comme elle est établie sous la Majesté du Roy, n'est une vraie et Apostolique Eglise, enseignant purement la Doctrine des Prophetes & Apostres; ou quiconque impugnera le Gouvernement de ladite Eglise qui est par les Archevesques, Evesques, & Doyens, l'affirmans estre de l'Atchrest; qu'il soit excommunié *ipso facto*, & non restabli que par le Doyen en Cour seante, aprez sa repentance & revocation publique de son erreur.

Du Service Divin.

3. Il est enjoint a toutes sortes de Personnes, de se sousmettre au Service Divin, contenu au livre des *Communes Prières de l'Eglise d'Angleterre*; & quant aux Ministres, ils seront obligés d'observer avec uniformité ladite *Liturgie*, sans addition ou alteration; & ne souffrira on aucun Conventicle, ou Congrégation, pour faire Secte apart, ou se distraire du Gouvernement Ecclesiastique établi en l'Isle.

4. Le jour du *Dimanche* sera sanctifié par Exercices de Prières Publiques, et oÿe de la Parole de Dieu; sera un chascun tenu de s'y ranger a heure convenable, et observer l'ordre et bienséance à ce requise; se rendans attentifs à la Lecture et Prédication, estans a genoux durant les Prières, et se tenans debout à la Confession de Foy, et doivent testifier leur Consentement et Participation eu disant *Amen*. Et partant durant aucune partie du *Service Divin*, les Surveillans ne permettront aucune interruption ou empeschement par insolence ou devis d'aucune personne, soit au Temple ou Cimetière.

5. Il y aura Exercice Public en chacune Paroisse les *Mcredys* et *Vendredys* Matin par la lecture des *Communes Prières*.

6. Quand quelque urgente occasion requerra de célébrer un *Jeusne Extraordinaire*, le Doyen avec l'avis des

perors in the Primitive Church; or whosoever shall, in any manner of way, impeach or obstruct the King's Supremacy in the said Causes; and whosoever shall affirm that the Church of *England*, as it is established under the King's Majesty, is not a true and Apostolical Church, purely teaching the Doctrine of the Prophetes and Apostles; or whosoever shall impugne the Government of the said Church which is by *Archbishops, Bishops, and Deans*, affirming it to be Antichristian; let him be *ipso facto* excommunicated, and not restored but by the *Dean* in open Court, after his repentance and public recantation of his error.

Of Divine Service.

3. It is enjoined unto all sorts of Persons, to submit to the Divine Service, contained in the Book of *Common Prayer of the Church of England*; and as for the Ministers, they shall be obliged to observe with uniformity the said *Liturgy*, without addition or alteration; and no Conventicle or Congregation shall be suffered, to make Sect apart, or withdraw themselves from the Ecclesiastical Government established in the Island.

4. The *Lord's Day* shall be hallowed by the Exercises of Publick Prayer, and hearing of God's Word; wherent every one shall be bound to assist at a convenient hour, and to observe the order and decency in that Case requisite; being attentive at the reading and preaching of the Word, kneeling on their knees during the Prayers, and standing up at the Confession of Faith, and shall testify their Consent and Participation in saying *Amen*. And in pursuance thereunto, during any part of *Divine Service*, the Church-Wardens shall not suffer any interruption or hindrance to be made by the insolence or talk of any person, either in Church or Church-yard.

5. There shall be Divine Service in every Parish on *Wednesday* and *Friday* Mornings, by reading of the *Common Prayer*.

6. When any urgent Occasion shall require an *Extraordinary Fast* to be celebrated, the Dean with the

Ministres en avertira le Gouverneur, et le Magistrat Civil, à ce que par leur Consentement et Autorité il soit observé généralement, pour appaiser le couroux et ire de Dieu, par une vraie et serieuse Repentance.

Du Baptesme.

7. Le Baptesme sera administré en l'Eglise avec eau pure et commune, suivant l'institution de *Jésus Christ*, et sans limitation de jours ; et nul ne différera de présenter son enfant au Baptesme plus outre que le prochain Dimanche ou Assemblée Publique, s'il se peut faire commodément ; et ne pourra aucun estre receû à y presenter enfant s'il ne communique à la Sainte Cène ; et ne pourront les femmes seules estre Marraines.

De la Cène.

8. En chaque Eglise la *Ste. Cène* se célébrera quatre fois l'An, dont l'une sera à *Pasques*, et l'autre à *Noël* (239) ; et chaque Ministre en l'Administration de la Cène, recevra premierement le Sacrament, et baillera le pain et le vin à un chacun Communiquant, en usant les Mots de l'Institution.

9. Tons Pères et Maitres de Famille seront exhortés et enjoins de faire instruire leurs Enfants et Domestiques en la cognoissance de leur Salut, et pour ce faire auront soin de les envoyer aux *Cathéchismes ordinaires*.

Du Mariage.

10. Aucun ne se marriera contre les Degrés qui sont prohibés par la Parole de Dieu, selon qu'ils sont exprimés en la *Table* faite par l'Eglise d'Angleterre, sur peine de Nullité et Censure.

(*) The irregular practice of Baptizing at home without necessity, is not yet grown to be the fashion here.

(†) This good Rule is strictly observed, insomuch that one from another Parish offering himself for Godfather, must bring a Certificate from his Minister that he is a conformable person and a Communicant.

(‡) Viz. Without a Man to be Godfather.

(§) By this is meant, both Publick Catechizing at Church, and such farther Examination as every Candidate for the Blessed Sacrament of the Lord's Supper must undergo in particular from the Minister.

advice of the Ministers shall give notice thereof to the Governour, and to the Civil Magistrate, to the end that by their Consent and Authority it may be generally observed, for the appeasing of the wrath and indignation of God, by a true and serious Repentance.

Of Baptism.

7. *Baptism* shall be administred in the Church (*) with fair and common water, according to the Institution of *Jesus Christ*, and without limitation of days ; nor shall any delay the bringing of his Child to *Baptism* longer than the next Sunday, or Publick Assembly, if it may conveniently be done ; and no one shall be admitted to be a Godfather, that does not partake of the Holy Communion (†). Women alone shall not be allowed to be Godmothers (‡).

Of the Lord's Supper.

8. *The Lord's Supper* shall be administred in every Church four times a Year, whereof one shall be at *Easter*, and the other at *Christmas* ; & every Minister in the Administration of the said *Supper*, shall first receive the *Sacrament* himself, and afterwards distribute the Bread and Wine to each of the Communicants, using the Words of the Institution.

9. All Fathers and Masters of Families shall be exhorted & enjoyned to cause their Children and Domesticks to be instructed in the knowledge of their Salvation, and to this end shall take care to send them to the *ordinary Catechisings* (§).

Of Marriage.

10. None shall *Marry* contrary to the Degrees prohibited by the Word of God ; as they are expressed in the *Table* made by the *Church of England*, on pain of Nullity and Censure.

11. Les *Annonces* se feront par trois Dimanches consécutifs aux Paroisses des Parties, & sera obligée la Partie de l'autre Paroisse où le *Marriage* ne sera célébré d'apporter. Attestation de la publication de ses *Annonces* en sa paroisse Neantmoins sur causes légitimes on pourra avoir *Licence & Dispensation* desdites *Annonces* par l'autorité du Doyen, qui prendra suffisante Caution de la Liberté des Parties.

12. Il ne se fera aucune Séparation à *Thoro & Mensâ* qu'a cause d'Adultère, cruauté, & danger de Vie, dûement prouvés, & ce à l'Instance des Parties : & pour l'Alloüance de la femme durant la Separation, elle aura recours au Bras Séculier.

Des Ministres.

13. Nul qui ne soit propre à enseigner, & capable de Prescher la Parole de Dieu, ne sera admis en aucune Bénéfice de l'Isle; et qui n'ait reçu l'Imposition des Mains, et *Ordination* selon la Forme de l'Eglise d'Angleterre.

14. Nul, ne Doyen ne *Ministre*, ne pourra occuper ensemble deux Bénéfices, si non en temps de Vacance; & seront les *Originaires* ou *Natifs* de l'Isle, préférés au Ministère (240).

15. Les *Ministres* au jour de Dimanches après les Prières Publiques expliqueront le Matin quelque passage de l'Ecriture Sainte; et Après-midy traiteront les Points de la Religion Chrestienne contenus au *Catéchisme* du livre des *Communes Prières*.

16. En leur Prières ils observeront les *Titres* qui appartiennent au Roy, le recognoissans Souverain Gouverneur sous Christ en toutes Causes & sur toutes Personnes, tant Ecclesiastiques que Civiles; recommandans la Prosperité de sa Personne, Estat, & Posterité Royale.

17. Un chacun des *Ministres* adviendra diligemment de démonstrer la bienséance & gravité en habits qui conviennent à sa Charge, & qui preservent le Respect de sa Personne;

11. The *Bans* shall be published three Sandays successively in the Parish Churches of both Parties, and the Party of the Parish where the *Marriage* is not celebrated shall be obliged to bring a Certificate of the Publication of his *Bans* in his own Parish. Nevertheless in lawful cases there may be *Licence* and *Dispensation* of the said *Bans*, given by the authority of the Deau, who shall take good Security of the Liberty of the Parties.

12. There shall be no Separation à *Thoro & Mensâ* but in case of Adultery, Cruelty, and Danger of Life, duly proved, and this at the Instance of the Parties: and as for the Maintenance of the Woman during the Separation, she shall have recourse to the Secular Power.

Of Ministers.

13. No man that is not fit to Teach, nor able to Preach the Word of God, shall be admitted to any Benefice withiu the Island; or that has not received *Imposition of Hands*, and been *Ordained* after the Form used in the Church of England.

14. None, either Dean or *Minister*, shall hold two Benefices together, unless in time of Vacancy; And the *Originaries* or *Natives* of the Island, shall be preferred before others to the Ministry.

15. The *Ministers* every Sunday after the Publick Morning Prayers shall expound some Place of Holy Scripture; and in the Afternoon shall handle some Points of the Christian Religion contained in the *Catechism* of the Book of *Common Prayer*.

16. In their Prayers they shall observe the *Titles* which are due to the King, acknowledging him Supreme Governor under Christ in all Causes and over all Persons, as well Ecclesiastical as Civil; recommending (*unto God*) The Prosperity of his Royal Person, Estate, and Posterity.

17. Every one of the *Ministers* shall be careful to shew that decency and gravity of *Apparel* which become his Profession, and may preserve the Respect due to his Person; and they

& seront aussy circonspects en tout le cours de leur vie de se preserver de telles compagnies, actions, & hantises de places, qui leur puisse apporter blasmé ou flestrisseure ; & partant ne deshonoreront leur Robe par Jeux, Tavernes, Usures, Compagnies, & Occupations qui ne conviennent à leur Fonction ; ains s'estudieront à exceller par dessus les autres en pureté de Vie, Gravité, & Vertu.

18. Ils auront soin que *Registre* soit gardé des Baptesmes, Mariages, & Enterremeus ; & seront obligés de publier au jour qui leur sera appointé, les Ordonnances de la Cour, qui leur seront envoyées signées & scélées du Doyen, leur estans delivrées quinze jours avant la Publication (241).

19. Les *Ministres* seront avertis en temps convenable pour assister aux *Enterremens* qui se feront en leur Paroisses, et là observeront la Forme prescrite au Livre des *Communes Prières* ; et nul ne sera enterré dans le Temple sans cougé du Ministre, qui aura égard à la Qualité des Personnes, ensemble à ceux qui sont Bienfaiteurs à l'Eglise.

Du Doyen.

20. Le *Doyen* sera Ministre de la Parole de Dieu estant Maistre aux Arts, ou gradué au Droict Civil pour le moins (242) ; ayant les Dons pour exercer la dite Charge, de bonne vie et conversation, et bien affectonné et zelé à la Réligion et Service de Dieu.

21. Le *Doyen*, aux Causes quise traiteront en Court, demandera l'Advis et Opinion des *Ministres* qui pour lors seront presents (243).

22. Il aura la connoissance de toutes choses qui concernent le Service de Dieu, prédication de la Parole, Administration des Sacremens, Causes Matrimoniales, Examen et Censure de tous Papistes, Récusans, Hérétiques, Idolatres, et Schismatiques, Parjures en Causes Ecclesiastiques, Blasphemateurs, ceux qui ont recours aux Sorciers, Incestueux, Adultères, Paillards, Yvrogues, ordinaires, et publics Profanateurs du

shall be very circumspect in the whole course of their Lives to keep themselves from such company, actions, and haunts, as may bring any blame or blemish upon them ; nor shall they dishonour their Calling, by Games, Taverns, Usuries, Trades or Occupations not befitting their Function ; but shall study to excell others in Purity of Life, Gravity, and Vertue.

18. They shall take care that a *Register* be kept of Christnings, Mariages, and Burials ; and shall be obliged to publish on the day that shall be appointed them, the Ordinances of the Court, which shall be sent to them signed and sealed by the Dean, they being delivered to them fifteen days before the Publication.

19. The *Ministers* shall have notice in convenient time to assist at such *Burials* as shall be in their Parishes, whereat they shall observe the Form prescribed in the Book of *Common-Prayer* ; and none shall be interred within the Church without leave of the *Minister*, who shall have regard to the Quality of the Persons, and withal to those that are Benefactors to the Church.

Of the Dean.

20. The *Dean* shall be a *Minister* of the Word of God, being a *Master of Arts*, or *Graduate* in the *Civil-Law* at the least ; having Abilities to exercise the said Office, of good Life and Conversation, zealous and well affected to Religion and the Service of God.

21. The *Dean*, in Causes which shall be handled in Court, shall ask the Advice and Opinion of the *Ministers* who shall then be present.

22. He shall have the Cognizance of all Matters which concern the Service of God, the Preaching of the Word, Administration of the Sacraments, Matrimonial causes, the Examination and Censure of all Papists, Recusants, Hereticks, Idolaters and Schismaticks, Persons perjured in Causes Ecclesiastical, Blasphemers, such as have recourse to Wizzards, Incestuous Persons, Adulterers, Fornicators, common Drunkards, and

Sabbat ; comme aussy la Profanation des Temples et Cimetières, du Mespris et Offenses commises en Court, ou contre aucuns des Officiers d'icelle en exécution des Mandats de la Court ; des Divorces, et Separation à *Thoro et Mensû* ; avec pouvoir de les censurer et punir selon les Loix Ecclesiastiques, sans exclure la Puissance du Magistrat Civil au regard de la Puniton Corporelle pour les dits Crimes (244).

23. Le *Doyen* accompagné de deux ou trois *Ministres* visitera une fois en deux Ans chaque paroisse en sa personne, et donnera ordre qu'il y ait Presche le jour de la Visitation, ou par soy même, ou par quelqu'un par luy appointé ; et se fera ladite Visitation pour ordonner que toutes choses appartenantes à l'Eglise, au Service de Dieu, et Administration des Sacremens, soyent pourveues par les Surveillans, et le Temple, Cimetière, et Maison Presbyteriale soyent entretenues et réparées : Et aussy recevra Information des dits Surveillans (ou faite à iceux à faire leur devoir) du *Ministre*, de toutes offences et abus qui seront à reformer en aucun, soit *Ministre*, Officiers de l'Eglise, ou autres de la Paroisse ; et recevra ledit *Doyen* pour la dite Visitation 40 sols de la Rente du Thresor à chaque fois (245).

24. En cas de Vacance d'aucun Bénéfice, soit par mort, ou autrement, le *Doyen* donnera ordre presentement que les Fruits d'icelny Bénéfice soient sequestrés, et que du provenu d'iceux la Cure soit supplée ; et aussy que la veuve ou Heritiers du Deffunct reçoivent selon la proportion du temps de son Service, suivant à l'Usage de l'Isle (246), sauf ce qui seroit necessaire à deduire pour les Delapidations, s'il y en à ; et donnera Terme convenable à la Veuve du Deffunct de se pourvoir de Domicile ; et baillera ce qui sera de residu au prochain Incumbant, auquel le Sequestrataire en rendra compte.

public Prophaners of the Lord's Day ; as also of the Profanation of Churches and Church-yards, Contempt and Offences committed in Court, or against any Officers thereof in the execution of the Mandats of the Court ; of Divorces, and Separation à *Thoro et Mensû* ; with Power to censure and punish them according to the Ecclesiastical Laws without Prejudice to the Power of the Civil Magistrate in regard of Bodily Punishment for the said Crimes.

23. The *Dean* accompanied by two or three *Ministers* shall once in two Years *Visit* every Parish in person, and shall give order that there be a Sermon on the *Visitation-day*, either by himself, or some other by him appointed ; which *Visitation* shall be made for the ordering that all things appertaining to the Church, the Service of God, and the Administration of the Sacraments, be provided by the Church-Wardens, and that the Church, Church-Yard, and Parsonage-House be maintained and repaired : And likewise shall receive information from the said Church-Wardens, or (if they should fail in doing their Duty) from the *Minister*, of all Offences and Abuses which need to be reformed, whether in the *Minister*, Officers of the Church, or others of the Parish ; and the said *Dean* for the said *Visitation* shall each time receive 40 *Sols* out of the Treasury of the Church :

24. In case of Vacancy of any *Benefice*, either by Death, or otherwise, the *Dean* shall give present order that the Profits of the said *Benefice* be sequestered, and that out of the produce thereof the Cure be supplied ; and also that the Widow or Heirs of the Deceased be satisfied in proportion to the Time of his Service, according to the Custom of the Island, with such necessary deductions as must be made for *Dilapidations*, if there be any ; and shall give convenient Time to the Widow of the Deceased to provide herself of a Dwelling ; and shall dispose of the Residue to the next Incumbent, to whom the Sequestrator shall be accountable.

25. Sur la mesme occasion de Vacance d'aucun Bénéfice, si dans six mois le Gouverneur ne presente aucun au Révérend Père en Dieu l'Evesque de *Winchester*, ou en cas de vacance de ce Siège, au Très Révérend Père en Dieu l'Archevesque de *Canterbury*, pour estre admis et Institué audit Bénéfice, alors le *Doyen* certifiera du Temps de la Vacance aux dits Seigneurs Evesque ou Archevesque, selon qu'il escherra, à ce qu'ils ordonnent pour la collation du Bénéfice: et lors qu'aucun leur sera Presenté, le *Doyen* donnera Attestation du comport et suffisance de la Partie, pour estre approuvé par iceux, devant que d'estre admis actuellement par le *Doyen* en Possession du dit Bénéfice.

26. Le *Doyen* aura l'Insinuation & Approbation des Testamens, lesquels seront approuvés sous le sceau de l'Office, & Enregistrés; Aura aussy l'Enregistrement des Inventaires des biens meubles des Pupilles, desquels il gardera fidèle Registre, pour en donner Copie toutesfois & quantes qu'il en sera requis. *Item*, baillera Lettres d'Administration des biens des Intestats, qui mourront sans hoirs de leur Chair, au prochain heritier (247).

27. Ceux qui seront saisis du Testament, soit Heritiers, Exécuteurs, ou autres seront obligés de l'exhiber et apporter au *Doyen* dans un Mois; faute de quoy seront convenus en Court par Mandat, en payant doubles Coutages pour la Compulsoire; et aura le dit *Doyen* pour les dits Testamens, Inventaires, et Lettres d'Administration, tels Droicts qui sont Spécifiés en la Table sur ce faite,

28. Toutes Légations Mobiliaires faites à l'Eglise, Ministres, Ecoles, ou Pauvres, seront de la Cognoissance du *Doyen*; Mais sur l'Opposition qui pourroit estres faite de la validité du

25. In the same Case of Vacancy of any Benefice, if within six Months the *Governor* does not present some person to the Right Reverend Father in God the Bishop of *Winchester*, or in the Vacancy of that See, to the most Reverend Father in God the Archbishop of *Canterbury*, to be admitted and instituted to the said Benefice, then the *Dean* shall give notice of the Time of the Vacancy to the said Lords *Bishop* or *Archbishop*, as it shall happen, to the end they may give order for collating to the Benefice: and when any shall be Presented to them, the *Dean* shall give Certificate of the behaviour and sufficiency of the Party to be approved by them, before he be actually admitted by the *Dean* into Possession of the said Benefice.

26. The *Dean* shall have the Entry and Probate of *Wills* (*) which shall be approved under the Seal of his Office, and Registered; He shall have also the Registering of the Inventories of Goods Mobiliary belonging to Orphans, whereof he shall keep a faithful Register, that he may give Copies of them whenever he shall be required. Moreover, he shall give Letters of Administration of the Goods of Intestates, dying without Heirs of their Body, to the next of Kindred.

27. They that have the *Will* in their Custody, whether they be Heirs, Executors, or others, shall be obliged to exhibit and bring the same to the *Dean* within one Month; in default whereof they shall be conveyed into Court by Mandate, paying double Charges for the Compulsory; and the said *Dean* shall have for the said *Wills*, Inventories, and Letters of Administration, such Fees as are specified in the Table made for that purpose.

28. All *Legacies* Mobiliary made to the Church, Ministers, Schools, or Poor, shall be of the Cognizance of the *Dean*; But upon any Opposition made concerning the Validity of the

(*) The Law which obtains here, *Le mort saisit le vif*, the meaning whereof is, that the moment a Man dies, his, Heir or Heirs stand *ipso facto* vested of all his Estate real and personal, that law (I say) leaves little room for the exercise of this part of the *Dean's* Jurisdiction concerning *Probates of Wills* and *Letters of Administration*.

Testament, la Court Temporelle en déterminera entre les Parties.

Will the Civil Court shall determine it betwixt the Parties.

29. Il appartient au *Doyen* de cognoistre de toute Substraction de Dixmes affectées à l'Eglise, de quelque espèce qu'elles soyent, qui ont esté payées au Ministres, & dont ils ont jouy et sont en possession depuis quarante Ans ; et toute personne convaincû de substraction, fraude, ou detention d'icelles Dixmes, sera adjugé à Restitution, avec les frais et costages de la partie ; et pour la Conservation de tous et chacun les Droicts Bénéficiaux, Dixmes, Rentes, Terres, et Possessions, il y aura un Terrier fait par le Bailly et Jurétz, assistés du *Doyen* et Procureur du Roy (248).

29. It appertains to the *Dean* to have cognizance of all Substraction of *Tithes* belonging to the Church, of what kind soever they be, which have been paid to the Ministers, and which they have enjoyed and have been possessed of forty Years ; and every Person convicted of Substraction, Fraud, or Detention of the said *Tithes*, shall be adjudged to make Restitution, and pay the Cost and Charges of the Party ; and for the Preservation of all & singular the Rights, *Tithes*, Rents, Lands and Possessions Beneficiary, there shall be a Terrier made by the Bailly and Jurats, assisted by the *Dean* and King's Procurator.

30. Le *Doyen* aura liberté de faire choix d'un Deputé ou Commissaire, lequel pourra excercer et suppléer la Charge et Office du *Doyen* entant que sa Commission le portera, et dont y aura Acte Authentique aux Rolles de la Court.

30. The *Dean* shall have power to make choice of a Deputy or Commissary (*), who shall execute and supply the Place and office of the *Dean* so far as his Commission shall extend, of which there shall be an Authentick Act in the Rolls of the Court.

Des Surveillans, autrement dite Gardiens de l'Eglise.

Of the Church-Wardens.

31. Chasque semaine après Pasques, le Ministre et les Paroissiens de chaque Eglise choisront deux *Surveillans*, gens discrets, et de bonne Conversations, et des plus capables, scachaus lire et escrire s'il est possible. Que si les dits Paroissiens (249) ne peuvent accorder en l'Election, le Ministre aura pouvoir d'en nommer un, et les Paroissiens l'autre par la majeure Voix d'iceux ; et serout puis après assermentés à la prochaine Court, et bien advertis de leur Devoir.

31. Every Week next after *Easter*, the Minister and People of each Parish shall chuse two *Church-Wardens*, discreet Men of good Conversation and Capacity, able to read and write if possible. If they cannot agree in the Election, the Minister shall have power to name one, and the Parishionners another by the majority of Voices ; which two shall be sworn in the next Court after, and there well admonished of their Duty.

32. Le Devoir d'iceux sera de voir que les Temples et Cimetieres ne soient profanés par aucuns Exercices ou Actions profanes, comme aussy de ne permettre l'entrée du Temple à aucun Excommunié, duquel la Sentence à esté Publiée en leur Paroisse : et seront soigneux de *Presenter* de temps en temps ceux qui negligent les Exercices Publics du Service Divin, et l'usage des saints Sacremens, et généralement tous

32. Their Duty shall be to see that the Churches and Church-yards be not abused by any prophane Exercises or Actions, as also not to suffer any Excommunicated Person to come into the Church, after the Sentence has been published in their Parish : And they shall be careful to *Present* from time to time those that neglect Divine Service, and the Use of the Holy Sacraments, and generally all Delinquencies that are of Ecclesias-

(*) *Commonly called Vice-Doyen.*

Delicts qui sont de Cognition Ecclesiastique ; et bailleront lesdites Presentations sous leur signes, et ne pourront estre contraints de *Presenter* que deux fois par An.

33. Ils auront soin pareillement d'entretenir le Temple en bonne reparation, et les Cimetières en bonne closture ; et de voir que toutes choses appartenantes à l'Eglise, à l'Administration de la Parole et des Sacraments, soyent pourveues et entretenues de temps en temps ; comme sont la Bible de la meilleure Translation et en plus grosses Lettres, le livre des Communes Prières tant pour le Ministre, que pour le Clerc ou Couteur de la Paroisse, un livre de Parchemin pour enregistrer les Baptesmes, Mariages et Enterremens, une Table convenable pour administrer la Sainte Cène, avec un Tapis pour mettre sus durant le Service Divin des Fonds pour le Baptesme, Coupes et Vaisseaux dédiés seulement a cet Usage, Nappes, Serviettes, avec un Coffre pour retirer les dites Utensiles, un Tronc pour les Aumosnes, un Tapis et Carreau pour la Chaire, et pourvoyront aussi le Pain et le Vin de la Cène. *Item*, verront que les Bancs et Sièges soyent appropriés pour la Commodité du Ministre et de ses Paroissiens, et ce par l'avis et conseil de leur Ministre ; et le tout des Rentes et Revenus du *Thresor* de l'Eglise.

34. Les dits *Surveillans* seront obligés de garder un bon et loyal compte dans un Livre de leur mises et recettes, et de l'emploite qu'ils feront des Deniers du *Thresor* : lequel sera *banni* de temps en temps selon la Coustume, et ce entre les mains des dits *Surveillans*, et *Procureurs* de la Paroisse, lesquels employront le dit *Thresor* pour les choses necessaires et convenables à l'Eglise, ou bien Public : se gouvernans par l'avis du Ministre et Principaux de la Paroisse en toutes choses extraordinaires qui concernent la dite Paroisse : et en cas d'Affaires Publiques, l'Assemblée des Estats leur prescira ce qui sera trou-

tical Cognition : which *Presentations* they shall exhibit under their Hands, nor shall they be constrained to *Present* above twice a Year.

33. They shall have care moreover, to keep the Church in good Repair, and the Church-Yards well fenced ; and to see that all things appertaining to the Church, the Administration of the Word and Sacraments, be provided and maintained, from time to time ; such are, a Bible of the best Translation and largest Character, the Book of Common-Prayer both for the Minister and Clerk of the Parish, a Book of Parchment to register the Christnings, Marriages and Burials, a decent Table to administer the Holy Supper, with a Carpet to cover it during Divine Service, Fonts for Baptism, Cups and Vessels serving only to that Use, Table-cloths, Napkins, with a Coffre wherein to keep the said Utensils, a Trunk or Box for Alms, a Cloth and Cushion for the Pulpit, and shall also provide the Bread and Wine for the Sacrament. Moreover, they shall see that the Pews and Seats be well fitted for the Conveniency of the Minister and Parishioners, and that with the Advice and Council of their Minister : all this, out of the Rents and Revenues of the *Treasury* of the Church.

34. The said *Church-Wardens* shall be obliged to keep in a Book, a good and faithful account of their Disbursements and Receipts, and of the Use they shall make of the Moneys of the *Treasury* ; which shall be published (*) from time to time according to Custom, and that in the Name of of the said *Church-Wardens*, and *Procurators* of the Parish, who shall employ the said *Treasury* in things necessary and convenient for the Church, or the publick Good, governing themselves by the advice of the Minister and chief of the Parish in all things extraordinary which concern the said Parish : and in case of

(*) More properly, *auctioned*. For the Rents of the said *Treasury* being in little parcels, they are put up in an Assembly of the Parish, and he who bids highest has the collecting of them, with some small profit to himself.

vé expédient pour l'Utilité Publique : et devant qu'estre deschargés, donneront advertissement aux Paroissiens pour oûir leur Comptes la Semaine de Pasques, lesquels seront Signés par le Ministre et Principaux de la Paroisse : et si aucuns des dits Paroissiens, ou autres, refusent de payer les Rentes qu'ils doivent audit *Thresor* les dits Procureurs et *Surveillans*, ou aucun d'iceux, les poursuivront par les voyes Ordinaires de Justice : Mais cas advenant de Controverse aux dits Accomptes, ou abus qui seroient à reformer, le *Doyen* et *Ministre* de la Paroisse où la dite Controverse ou abus se trouvera, se joindront avec le *Bailly* et *Jurés* pour y donner Ordre convenable.

Publick Business, the Assembly of the *States* shall prescribe to them what shall be found expedient for the common advantage : And before they quit their Charge, they shall give notice to the Parishioners that they may audit their accounts in *Easter-Week*, which Accounts shall be signed by the Minister and Chief of the Parish : and if any of the said Parishioners, or others refuse to pay the Reuts they owe to the said *Treasury*, the said Procurators and *Church-Wardens*, or any of them, shall prosecute them by the ordinary Ways of Justice : But in case of any Controversy about the said Accounnts, or of any Abuse to be reformed, the *Dean* and *Minister* of the Parish where the said Controversy or Abuse shall be, shall join with the *Bailly* and *Jurats* to determine the same as shall be found convenient.

35. Lesdits *Surveillans* durant le Service Divin au jour du Dimanche visiteront les lieux suspects de Jeux et Dissolutions ; et ayans le *Connestable* pour les assister, visiteront pareillement les Taverues et Maisons de Debauche.

35. The said *Church-Wardens* during Divine Service on the *Sunday* shall search Places suspected of Gaming, and riotous Practices ; and having the *Constable* to assist them, shall also search Taverns, and tippling Houses.

36. Ils auront soin qu'il n'y ait aucune subtraction et recellement des choses appartenantes à l'Eglise ; comme aussy ils se pourront saisir, et poursuivre tous dons et Legates Mobiliaires faits à l'Eglise et aux Pauvres, selou les loix du Pais.

36. They shall be careful that there be no with-holding or concealing of things appertaining to the Church ; they may also seize into their hands, or sue for the delivery of all Donations and Legacies Mobiliary made to the Church and Poor, according to the Laws of the Country.

37. Il y aura deux *Collecteurs des Ausmosnes des Pauvres* en chascue Paroisse, qui feront Office d'*Assistans*, et seront esleus comme les *Surveillans* (251) ; et auront serment en Cour pour se bien comporter en leur Charge : et rendront compte de leur Administration deux fois l'An par devant le Ministre et Paroissiens, sçavoir est à *Pasques* et à la *St. Michel*.

37. There shall be Two *Collectors of the Alms for the Poor* (*) in each Parish, who shall also discharge the Place of *Sidesmen*, and shall be chosen as the *Church-Wardens* ; and shall be sworn in Court to behave themselves well in their Office : and shall give an Account of their Administration twice a Year before the Minister and Parishioners, viz at *Easter* and at *Michaelmas*.

(*) They retain the name of *Diacres*, i. e. Deacons, and are Persons chosen for their known Probity and Sobriety. The Office is honourable ; and in a manner perpetual, not annual only as in *England*. No Parish-Officers have so near a relation to the Minister. They are particularly assistant to him at the Administration of the Holy-Communion (250).

Des Clercs, ou Cousteurs.

38. Les Clercs ou Cousteurs des Paroisses seront choisis par le Ministre et Principaux de la Paroisse de l'age de XX ans pour le moins, de bonne vie et conversation, sca-chans à lire posément, distinctement, et intelligiblement, et escrire et qui entendent aucunement le Chant des Pseaumes, s'il est possible (252).

39. Leur Charge est d'appeller le Peuple par le son de la Cloche au Service Divin, et oÛye de la Parole de Dieu, à heure propre et convenable suivant l'ordinaire; tenir le Temple fermé et net, comme aussy les Bancs et la Chaire; conserver les Livres, et autres choses appartenantes à l'Eglise dont ils auront la Charge; pourvoir l'Eau pour le Baptisme, faire les Criées et Denonciations qui leur seront enjointes par la Court, ou par le Ministre; et auront leur Gages et Salaires par la Contribution des Paroissiens, soit en bled, froment, ou Argent, selon l'Usage du Pais.

Des Maîtres d'Eschole.

40. Il y aura un Maître d'Eschole en chaque Paroisse, choisi par le Ministre, Surveillans, et Principaux d'icelle, et par après présenté au Doyen pour estre autorisé en cette Charge; et ne sera loisible à aucun de l'exercer sans y estre ainsy appelé: et les Ministres auront soin de les visiter, et exhorter à faire leur Devoir (254).

41. Ils useront de toute laborieuse diligence à instruire les Enfans à lire, escrire, prier Dieu, respondre au Catéchisme: les duiroint aux bonnes Moeurs, les conduiroint au Presche, et Prières Publiques, les y faisant comporter comme il appartient.

(*) This Qualification is specially required of them, because it has been usual to put them to read the two Lessons at Divine Service, for the ease of the Minister. They are of better account with us than the poor Clerks of Country-Parishes in England. Grave digging is none of their business. They mark the Place, and the Relations of the deceased send Labourers of their own to make the Grave (253).

(*) These are not to be confounded with the Masters of the Free-Schools. They bear a greater resemblance to the Masters of those Charity-Schools which of late years have been set up in England.

Of the Clercks or Sextons.

38. The Clercks or Sextons of the Parishes shall be chosen by the Minister and Chief of the Parish, of the Age of XX years at the least, of good Life and Conversation, able to read fairly, distinctly, and intelligibly (*), and to write also, and somewhat qualified for the singing of the Psalms, if it may be.

39. Their Business is by ringing of the Bell to call the People to Divine Service; and bearing of the Word of God, at a proper and convenient Hour, according to Custom; to keep the Church shut and clean, as also the Pews and Pulpit; to preserve the Books and other things belonging to the Church whereof they shall have the Custody; to provide Water for Baptism, and to make such Proclamations and Denunciations as shall be enjoined them by the Court, or by the Minister; and shall receive their Wages and Salaries by Contribution of the Parishioners, whether in Corn or Money, according to the Custom of the Country.

Of school Masters (†).

40. There shall be a School-master in every Parish, chosen by the Minister, Church-Wardens, and principal Persons thereof, and after that presented to the Dean to be licenced thereunto; and it shall not be lawful for any to exercise this Charge, not being in this manner called unto it: and the Ministers shall take care to visit them, and exhort them to do their Duty.

41. They shall use all painful Diligence to teach the Children to read, and write, say their Prayers, answer to the Catechism: they shall form them to good Manners, shall bring them to Sermon, and Common-Prayers seeing that they behave themselves there as becometh.

De la Cour.

42. La Cour se tiendra une fois la Semaine au Lundy, et observera les memes Termes de Vacations que la Court Civile.

43. A chasque Séance, au commencement d'icelle, les Noms des Assesleurs seront iutitulés, le jour, et le mois, et les Sentences leües.

44. Après Jugement et Sentence donnée du Principal, les Coustages des Parties, et Substraction de salaire aux Officiers de la Cour, se poursuivront par les Censures Ecclesiastiques (255).

45. Il y aura deux *Avocats* deüement assermentés à la Court, afin que le Peuple puisse agir formellement et juridiquement, sans confusion ou surprise. Et le *Greffier* aussy estant assermenté enregistra fidèlement la Sentence qui aura esté prononcée, et baillera Copie des Actes à ceux qui le requerront.

46. Le *Procureur du Roy*, et en son absence l'*Avocat*, pourront assister de temps en temps à la Court, pour poursuivre la Censure et Punition de toutes Causes de Crime et Scandale.

47. Pour exécuter les Citations et Sémonces, le *Doyen* assermentera les *Cousteurs* des Paroisses, et un *Appariteur*, lesquels donueront fidèle Record de leurs Exploits, en donnant Copie des Citations et Mandats Originels à ceux qui le requerront, et en absence de la Partie aux *Domestiques*; et les Causes de la Comparance seront exprimées dedans lesdites Citations et Mandats.

48. Si la Partie ne se trouve point, soit en se cachant, on autre Collusion, la Citation sera affichée à l'huis du Temple Paroissial d'icelle, en cas qu'il n'ayt aucun Domicile, et ce en jour de Dimanche.

49. S'il parvient aux oreilles du *Doyen* par Relation des gens de bien, que quelqu'un vit notoirement en quelque Scandale, il en pourra avertir le *Ministre* et les *Surveillans* de

Of the Court.

The Court shall be kept once a Week on the *Monday*, and shall observe the same *Terms* and *Vacations* as the Court Civil.

43. At every *Session*, in the beginning thereof, the names of the *Assessors* shall be enrolled, the *Day*, and the *Mouth*, and the sentences read,

44. After Judgement and Sentence given in the principal matter, the *Costs* of the Parties, and the *Fees* of the Officers of the Court, shall be awarded by the Ecclesiastical Censures.

45. There shall be two *Advocates* (or *Proctors*) duly sworn to the Court, to the end the People may proceed formally and juridically, without confusion or surprize. And the *Greffier* (or *Register*) being also sworn shall faithfully record the Sentence which shall be pronounced, and shall give Copy of the *Acts* to such as shall require it.

46. The *King's Procurator*, and in his absence the *Advocate*, may be present from time to time in the Court, and there prosecute the Censure and Punishment of all Causes of Crime and Scandal.

47. For executing or serving the Citations and Summons, the *Dean* shall swear the *Clerks* of the Parishes, and an *Apparitor*, who shall give a faithful report of their Proceedings, giving also Copies of the Original Citations and Mandats to such as shall require them, or in the absence of them to their *Domesticks*; and the causes of the Appearance shall be expressed in the said Citations and Mandats.

48. If the Party be not found, as either concealing himself, or using some other Collusion, the Citation shall be affixed, in case he has no settled Habitation, on the door of his Parish-Church, and that upon a *Lord's Day*.

49. If it comes to the knowledge of the *Dean* by the Report of honest Men, that any one liveth notoriously in some Scandal, he may advertise the *Minister* and *Church-Wardens* of

la Paroisse, afin que s'en estant informés, ils presentent telles personnes qui méritent d'estre punies ou Censurées.

50. Là où il constera de la faute commise par quelque Ministre, le *Doyen*, après Monition réitérée, procédera à la Reformation par l'Avis et consentement de deux Ministres, jusqu'à Suspension et Sequestration ; et en cas que ledit Ministre demeure Refractaire, le *Doyen* procédera, par le Consentement de la plus part des Ministres presents en l'Isle, jusqu'à Déprivation.

51. On ne fera point de *Commutation* pour Pénitence sinon avec grande circonspection, ayant égard à la qualité des Personnes, et circonstances des fautes ; Et sera la *Commutation* enregistrée ès Actes de la Court, pour estre employée aux Pauvres, et usages pieux, et dont Accomptes serout rendus selon ledit Registre.

52. Après la première *Defaute*, la Non-comparance de ceux qui seront derechef cités par Mandat sera réputée *Contumace* ; et si estaus cités par après en *Péremtoire* ils ne comparoissent, ou pourra procéder à l'encontre d'eux à l'*Excommunication*. Que si dans le prochain jour de Court la Partie ne fait devoir d'obtenir *Absolution*, on procédera à la Publication de la Sentence, et *Mineure Excommunication*, laquelle sera délivrée au Ministre de la Paroisse pour en faire lecture à jour Solennel, et à l'ouïe de la plus part des Paroissiens assemblés ; et la partie persistant en son Endurcissement, on procédera à la *Majeure Excommunication*, qui forelost le Pécheur à *Sacris et Societate Fidelium*. Que si cette Censure ne sert pour l'induire à l'Obéissance et se ranger dans le Terme de quarante jours, alors le *Doyen* par son Certificat authentique donnera avertissement au *Bailly & Juréts* de ladite Coutumace, et les requerra en assistance de sa Jurisdiction de le faire saisir par les Officiers Civils, pour le rendre Prisonier en *Détention Corporelle*, jusqu'à ce qu'il se soit soumis et obligé d'obtemperer à l'Ordon-

the Parish, to the end that informing themselves thereof, they may Present such Persons as deserve to be punished and censured.

50. Upon good Proof of a fault committed by any *Minister*, the *Dean* after repeated Admonitions, shall proceed to the Reformation of him, by the Advice and Consent of two Ministers, even unto *Suspension and Sequestration* : and in case the said *Minister* continues refractory, the *Dean*, by the consent of the greater part of the Ministers present in the Island, shall proceed even to *Deprivation*.

51. No *Commutation* shall be made for Penance but with great circumspection, having regard to the Quality of the Persons, and circumstances of the Crimes ; And the *Commutation* shall be enrolled in the Acts of the Court, in order to be laid out upon the Poor, and in pious Uses, and whereof account shall be given according to the said Register.

52. After the first *Default*, the *Non-appearance* of such as shall be cited again by Mandate shall be reputed *Contumacy* ; and if being afterwards *peremptorily* cited they do not appear, they may be proceeded against by *Excommunication*. If before the next Court-day the Party does not endeavour to obtain *Absolution*, the Court shall proceed to the Publication of the Sentence, and *Minor Excommunication*, which shall be delivered to the Minister of the Parish to be read upon some solemn Day, & in the hearing of the greater part of the Parishioners assembled ; and the Party persisting in his Obstinacy, the Court shall proceed to the *Major Excommunication*, which excludes the Sinner à *Sacris et Societate Fidelium*. If this Censure cannot induce him to Obedience and Submission within the Space of forty days, then the *Dean* by his authentic Certificate shall give notice to the *Bailly and Jurats* of the said Contumacy, and shall require them in support of his Jurisdiction to cause him to be seized by the Civil Officers, and constituted *Prisoner*, under Bodily Detention, till such time as

nance de l'Eglise ; et devant qu'estre absous, sera tenu de payer les frais et coustages de la poursuite de la Cause (256).

53. En causes de *Paillardise* sur la Presentation des Surveillans, avec les probabilités, commun bruit, scandale, & presumptions à ce requises, la Partie sera sujette de subir le Serment de sa *Purgation*, ou autrement sera tenu pour convaincu.

54. En cas d'*Adultère* à l'instance de Partie, on y procédera meurement par bonnes Preuves et Informations, pour avoir evidence du fait objecté ; et le sujet et preuve du fait le requérant, on pourra conclure jusqu'à Séparation à *Thoro & Mensû*.

55. Là où il y aura *Calomnie* ou *Diffamation* prouvée, on fera reconnaissance des injures selon l'exigence du cas ; pourveu que l'Action ne soit prescrite par lapse de temps, d'un an entier ; et pourveu que le sujet de l'Action soit de Crimes Ecclesiastiques cy devant Spécifiés.

Des Appellations.

56. Les appeaux en Causes Ecclesiastiques seront oûis et definis par le Révérend Père en Dieu l'Evesque de *Winchestere* en personne ; et en cas de vacance de ce Siège, par le Très Révérend Père en Dieu l'Archevesque de *Canterbury* en personne (257).

57. Tout *Appel* s'interjettera dans quinze jours après cognoissance de la Sentence, et sera la Partie obligée de preodre et exhiber tout le Procès, et Actes du Registre ou Rolles de la Court ; et lesquels Actes aussy luy seront delivrés en forme et temps convenable, authentiqués sous le sceau de l'Office ; et sera l'*Appellant* sujet de le poursuivre dans an et jour, aut *Sententiæ latæ stare compellitur*.

58. Il ne sera licite d'*appeller* qu'après *Sentence Definitive* de la

he has submitted, and obliged himself to obtemperate to the Ordinance of the Church ; and before he be absolved, he shall be bound to pay the Costs and Charges of the Prosecution of the Suit.

53. In causes of *Incontinency*, upon Presentment of the Church-Wardens, together with Probabilities, common Fame, Scandal, and Presumptions in this Case requisite, the Party shall be subject to undergo *Purgation* upon Oath, or otherwise shall be held for convicted.

54. In case of *Adultery* at the Instance of either of the parties, the Proceedings shall go on maturely, by good Proofs and informations, in order to have evidence of the Fact objected ; and the Subject and Proof of the Fact requiring it, the Court may proceed to Separation à *Thoro et Mensû*.

55. Upon Proof of *Calumny* or *Defamation*, the Party guilty shall make acknowledgment of the injury according to the exigency of the Case ; provided the suit be prosecuted before Lapse of Time, or that a Year be expired ; and provided that the Matter of the Suit be of Crimes Ecclesiastical before specified.

Of Appeals.

56. *Appeals* in Causes Ecclesiastical shall be heard and determined by the Reverend Father in God the Bishop of *Winchester* in Person ; or in the vacancy of that See, by the most Reverend Father in God the Archbishop of *Canterbury* in Person.

57. Every *Appeal* shall be entered within fifteen Days after notice of the Sentence, and the Party shall be obliged to take out and exhibit the whole Process, and Acts of the Register or Rolls of the Court ; which Acts shall also be delivered to him in Form and time convenient, authenticated under the seal of the Office ; and the *Appellant* shall be bound to prosecute his *Appeal* within a Year and a day, aut *Sententiæ latæ stare compellitur*.

58. It shall not be lawful to *appeal* but after *Sentence Definitive* of the

Cause, sinon pour ces deux égards ; ou quand l'*Interlocutoire* est telle qu'elle met fin à la Cause ; ou quand ladite *Interlocutoire* estant obéie elle apporte tel *Domage* irreparable à la *Partie* qu'il ne peut estre amendé par *Appel* de la *Definitive*.

Cause, unless in these two Cases ; either when the *Interlocutory* is such as puts an end to the Cause ; or when the said *Interlocutory* being obeyed brings such irreparable Damage to the Party, that he cannot be relieved by *Appeal* from the *Sentence Definitive*.

Table des Droicts appartenants au Doyen, et à ses Officiers, pour toutes Causes Ecclesiastiques ().*

Pour l'approbation des Testaments, où les biens du deffunct n'excederont la valeur de 50 livres *tournois de claro*, au Doyen rien ; au Greffier pour l'escriture et enregistrement 5 *sols*. Pour l'approbation des Testaments au dessus de la valeur de 50 livres *tournois*, au Doyen 20 *sols*, au Greffier 10 *sols*.

Pour lettres d'Administration, ou les biens du deffunct n'excederont la valeur de 50 livres *tournois de claro*, au Doyen rien ; au Greffier pour l'escriture de ladite lettre 5 *sols*. Pour lettres d'Administration au dessus de ladite somme, au Doyen 30 *sols*, au Greffier 10 *sols*.

Pour enregistrement des Inventoires des biens des Pupilles, la où ledit Inventoire ne se montera a 50 livres *tournois*, au Doyen rien ; au Greffe pour ledit enregistrement 3 *sols*. Pour enregistrement desdits Inventoires excédants la somme de 50 livres *tournois*, au Doyen 20 *sols*, au Greffe 10 *sols*.

Pour Copie authentique desdits Testaments, lettres d'Administration, ou Inventoires au Doyen pour son Sceau 5 *sols*, au Greffe 5 *sols*. Pour le Compulsoire des Testaments, au Doyen et Appariteur 10 *sols*.

Pour Dispense des Bans de Mariage, au Doyen 30 *sols*.

Pour la Sequestration des fruits d'aucun Benefice, au Doyen 60 *sols*. Pour Induction des Ministres, au Doyen 30 *sols*.

Pour les Maudats et Citations, au Doyen 2 *sols*, au Greffe pour l'escriture d'yceux, 1 *sol*, a l'Appariteur pour excecuer les Citations ou Mandats 2 *sols* 6 *deniers*, au Cousteur pour les Citations qu'il fera dans sa Paroisse 1 *sol*.

Au Doyen pour l'Absolution de la Mineure Excommunication, 10 *sols*, au Greffe 2 *sols*, a l'Appariteur 2 *sols* 6 *deniers*.

Au Doyen pour l'Absolution de la Grande Excommunication 20 *sols*, au Greffier 5 *sols*, a l'Appariteur 5 *sols*.

Pour Causes entre Parties litigants, la partie succombante payera les salaires et droicts des Officiers, et 3 *sols* par acte a la Partie, et a chaque Temoi produit en Court, 3 *sols*.

Aux Avocats de la Court, pour chaque Cause qu'ils plaideront 5 *sols*, au Greffe pour chaque Aete de Court 1 *sol*. Pour chaque premiere deffaute en Court 1 *sol*. Pour la Contumace 3 *sols*.

Suivant ce que dessus, est ordonné que le Doyen et ses Successens, ou aucuns des Officiers qui sont à present, ou seront par cy après, ne pourront directement ny indirectement lever, exiger, ou recevoir des habitans de ladite Isle, autres droicts et salaires

Pursuant to what is above, it is ordained that neither the Dean nor his Successors, nor any of the Officers who are now, or shall be hereafter, shall either directly or indirectly raise, exact, or receive from the Inhabitants of the said Island, any

(*) This Table of Fees is not thought necessary to be Englished.

que ceux qui sont spécifiés en la *Table cy dessus* escripte (258). Plus outre est ordonné, que ce qui a esté par cy devant exercé et mis en exécution en ladite Isle, en quelques causes que ce soit, par vertu d'aucune Jurisdiction Ecclesiastique, demeurera pour abrogé, pour ne pouvoir estre tiré en Président, ledit Doyen ou aucuns de ses Successeurs, à exercer ou exécuter en temps à venir, contre ou outre la teneur desdits *Canons* à présent, conceus & ordonnés; mais que le tout soit rapporté & limité au contenu desdits *Canons & Constitutions Ecclesiastiques* (259). Comme aussy ne sera donné aucun empeschement par le Magistrat Civil de ladite Isle audit Doyen et ses Successeurs en l'exécution paisible de ladite Jurisdiction, au contenu d'iceux *Canons* comme n'estans prejudiciables aux Privileges, Loix, et Coustumes de ladite Ile, auxquelles n'est entendu déroger (260). Donné sous nostre *Signet* (comme devant est dit) à nostre Palais de *Greenwich*, le dernier jour de *Juin*, l'an de nostre Regne d'Angleterre, France, & Irlande le vingtunieme, et d'Ecosse le cinquantesixieme.

other fees or Salaries than those which are specified in the *Table* above-written. Moreover it is ordained, that what has been heretofore done and put in execution in the said Island, in what Causes soever, by virtue of any Ecclesiastical Jurisdiction, shall remaine abrogated, so as not to be drawn into Precedent, by the said Dean or any of his Successors, to exercise or execute the same in time to come, contrary or beyond the tenor of the said *Canons*, now conceived and ordained; but that all be referred to and limited by the contents of the said *Canons and Constitutions Ecclesiastical*. As also that there shall be no hinderance given by the Civil Magistrate of the said Island to the said Dean and his Successors in the peaceable execution of the said Jurisdiction, according to the Contents of the said *Canons*, as not being prejudicial to the Privileges, Laws and Customs of the said Island, to which it is not intended to derogate. Given under our *Signet*, (as before is said) at our Palace of *Greenwich*, the last day of *June*, in the year of our Reign of *England France & Ireland*, the twenty-first, and of *Scotland* the fifty-sixth.

G. Cant (*). Jo. Lincoln, C. S. (†). La Winton (‡).

(*) George Abbot, Archbishop of Canterbury.

(†) John Williams, Bishop of Lincoln, and Lord Keeper of the Great Seal.

(‡) Lancelot Andrews, Bishop of Winchester.

NUMBER XIII.

The Charter of King Henry VII for the erection of the two Free-Schools.

REX omnibus ad quos &c. salutem, Sciatis quod Nos certis de Causis & considerationibus, Nos & Concilium nostrum specialiter moventibus, concessimus, & licentiam dedimus, pro Nobis & Hæredibus nostris, dilectis legeis nostris, *Johanni Néel* Clérico, Decano Capellæ præcharissimi filij nostri primogeniti *Arthuri* Principis *Walliæ*, Ducis *Cornubiæ*, & Comitis *Cestriæ*; *Vincentio Tehy*, Mercatori Villæ nostræ *Southamptoniæ*; Quod ipsi duo Gymnasia infra Insulam nostram de *GERSEY*, in locis ibidem magis convenientibus, de duobus Magistris sive *Didascalis*, ac duobus *Hostiariis* sub eisdem si opus sit, pro eruditione Puerorum in eadem *Insulâ* existentium, ibidem vel alibi oriundorum, in *Grammaticâ*, ac aliis inferioribus *Sciutiis*

Liberalibus, facere, fundare, ac stabilire possint, juxtà ordinationes, constitutiones, & stabilimenta, per præfatos *Johannem & Vincentium* in hac parte facienda, pro perpetuo duratura. Quodque iidem Magistri sive Didascali, in siugulis vacationibus eorundem Gymnasiorum, per Decanum & Curatos ejusdem Insulæ pro tempore existentes, vel per eundem Decanum & majorem partem eorundem Curatorum, eligantur, ac in realem possessionem eorundem de tempore in tempus ponantur per eosdem. Præterea concessimus, & licentiam dedimus per Præsentes, eisdem *Johanni & Vincentio*, quod ipsi, cùm Gymnasia sic fundata, erecta, & creata fuerint, quendam annualem redditum sexaginta Quarteriorum frumenti (*) annuatim levandi ad Festum *Sancti Michaelis* de hæridibus præfatorum *Johannis & Vincentij*, seu eorum alteriùs, præfatis Magistris sive Didascalis, quod ipsum dictum annualem redditum a præfatis *Johanne & Vincentio* & hæredibus suis prædictis, necnon quoscunque annuales redditus frumentorum usque ad numerum ducentorum Quarteriorum frumenti, ultra prædictum annualem redditum Sexaginta Quarteriorum, a quibuscunque personis ea eis dare vel concedere volentibus, recipere possint, & tenere, sibi & Successoribus suis, in usus suos proprios in perpetuum, similiter licentiam dedimus specialem, aliquo Statuto, Actu, vel Ordinatione de redditibus ad manum mortuam non ponendis, ante hæc tempora in contrarium factis, editis, sive ordinatis, in aliquo non obstantibus. Nolentes quod Capitanei nostri Insulæ prædictæ, seu aliqui Officiarij vel Ministri nostri ibidem, præterquam Decanus et Curati prædicti, de hujusmodi electione, aut donatione, vel collatione Gymnasiorum prædictorum, cùm vacaverint, nullatenus se intromittant. In cujus &c. T. R. apud *Westm.* decimo quinto die *Novembris*, anno Regni Regis *Henrici Septimi* duodecimo.

NUMBER XIV.

A Table of the Wheat-Rents belonging to the Trésors of the respective Parishes.

ST. OUEN.

	Quart.	Cab.	Sixt.
Church.....	30	00	00
Poor.....	26	00	00

ST. MARY.

Church.....	06	00	00
Poor.....	11	01	00

ST. JOHN.

Church.....	10	03	00
Poor.....	10	05	00

ST. PETER.

Church.....	35	01	03½
Poor.....	13	00	03

(*) The present annual revenue of the two Schools stands thus. To St Magloire belongs a House with Land, valued at 5 Quarters of Wheat-Rent, besides 30 Quarters more to receive in several parcels. To St. Anastase, a House likewise with Land, valued only at 2 Quarters. Rents to receive 25 Quarters.

APPENDIX.
ST. BRELADE.

	Quart.	Cab.	Sixt.
Church	26	00	00
Poor	11	04	00

TRINITY.

Church	24	00	00
Poor	24	00	00

ST. LAURENCE.

Church	30	00	00
Poor	11	00	00

ST. MARTIN.

Church	28	05	01½
Poor	05	04	00

GROUVILLE.

Church	24	07	03½
Poor	13	07	00½

ST. SAVIOUR.

Church	22	06	04½
Poor	17	06	03

ST. CLEMENT.

Church	28	05	04½
Poor	06	05	00

ST. HELIER.

Church	37	03	03
Poor (261)	13	06	02

Cabots and Sixtoniers are the Fractions of a Quarter, 6 Sixtoniers make a Cabot, and 8 Cabots make a Quarter.

NUMBER XV.

The Oath administered to a Jurat-Elect in JERSEY, before he takes his Place upon the Bench.

Vous N. N. Puis qu'il a plû a Dieu vous appeler legitimement en cette Charge, vous jurés et promettés par la foy & serment que vous devés a Dieu, que bien & fidelement vous exercerez l'estat & charge de *Juré-Justicier*, en la Cour Royale de notre Souverain Seigneur le Roy *George second*, par la grace de Dieu Roy de la *Grande Bretagne, France, & Irlande*, &c. en cette son Isle de *JERSEY*; la Majesté duquel vous reconnoistrés sous Dieu supreme Gouverneur en tous ses Royaumes, Provinces, & Dominions; renonçant a toutes Superioritez foraines & etrangeres. Vous garderés le droict de sa Majesté & de ses Sujets, & soutiendrés

YOU N. N. Since it has pleased God to call you lawfully to this Charge, you swear and promise by the faith and oath which you owe unto God, that you will well and faithfully execute the place and office of *Jurat-Justiciary*, in the Royal Court of our Sovereign Lord *George the second*, by the grace of God King of *Great Britain, France, and Ireland*, &c. in this his Island of *JERSEY*; and that you will recognize His Majesty as Supreme Governor under God in all his Kingdoms, Provinces, and Dominions; renouncing all foreign and strange Superiorities (*or Jurisdictions*.) You shall maintaine the Rights of His Majesty and of his

l'honneur et gloire de Dieu, et de sa pure et sacrée Parole. Vous administrerés bonne et briève justice, également tant au riches qu'aux pauvres, sans acception de personnes, suivant nos loix, coutumes, et usages, confirmez par nos Privileges, en les soutenant, avec nos libertez et franchises, vous opposant a quiconque les voudrait enfreindre. *Item*, vous ferés punir et chatier tous Traîtres, Meurtriers, Larrons, Blasphemateurs du sacré Nom de Dieu, Yvrognes, et autres Personnes scandaleuses, chacun selon son demerite; vous opposant a tous Seditieux, a ce que la force demeure au Roy et a la Justice. Vous assisterés a la Cour, toutefois et quantes qu'en serés requis, si n'avez excuse legitime, et en tel cas mettrés un autre Justicier en votre place; donnant votre avis, opinion, et conseil, selon la pureté de votre conscience. Vous honorerés et ferés respecter la Cour; et garderés et ferés garder le droict des Venves et Orphelins, Etrangers, et autres personnes indefendûes. Finalement, en vos Conclusions, vous vous rangerés et conformerés au meilleur et plus sain avis de Monsieur le Bailly et de Messieurs de la Justice. Vous le promettés en votre conscience.

Subjects, and assert the honour and glory of God, and of his pure and sacred Word. You shall administer good and prompt Justice, both to rich and poor equally, without acceptance of Persons, agreeably to our laws, customs, and usages, confirmed by our Privileges, upholding them, together with our liberties and freedoms, in opposition to all whomsoever that would infringe them. Moreover, you shall cause to be punished and animadverted against all Traytors, Murtherers, Robbers, Blasphemers of God's Holy Name, Drunkards, and other scandalous Persons, each according to his deserts; opposing all seditious practises, so that the King's Authority and that of Justice, may remaine superiour. You shall assist at Court, whensoever so required, unless you have a lawful excuse to the contrary, and in such Case you shall set another Justice in your place; giving your advice, opinion, and counsel, according to the uprightness of your Conscience. You shall honour and cause the Court to be respected; and shall maintaine and cause to be maintained the right of Widdows and Orphans, Strangers, and other defenseless persons. Lastly, in your Conclusions, you shall yield and conforme yourself to the better and sounder opinion of the Bailly and other Jurats. This you promise upon your Conscience.

FINIS.

REMARKS

ON

THE 19th CHAPTER OF THE 2d BOOK OF MR. SELDEN'S MARE CLAUDUM.

In a Letter to the Author.

Reverend Sir,

I see with pleasure your *Account* of JERSEY brought at length to a conclusion, and cannot but congratulate myself and the rest of my Countrymen for the accurate Description you have given of that our *Native Place*. It lays an Obligation upon all the Inhabitants which they must never cease to acknowledge. Whatever good and brave Actions have been performed by their Ancestors you have therein transmitted to Posterity, that they who come after may follow the Example, especially in an unalterable Fidelity to the Crown of *England*, whereby they will entitle themselves to it's Favour and Protection more and more.

Neither do your generous Endeavours to serve your Country end so. Some time ago you declared your intention to give your Books for the use of the Public there, and I who have often seen that collection in my Visits to you at *Shenley*, and have sometimes bought for you here in *London*, am well apprized of the Cost and Value of it. This your Declaration I ought in justice to make known, the rather because in that place of your *Account* (page 321.) where you speak of the want of a Library, you have, out of modesty, declined naming yourself as the intended Benefactor. It remains only to wish, that when that Magazine of good Literature is brought into the Island, it may promote the Ends for which you design it.

In the course of your History, I observe, That you have taken no Notice of some remarkable Arguments used by Mr. *Selden* in the 19th Chapter of the 2d Book of his *Mare Clausum*. On them I formerly made some Remarks, which I here send you, and of which you will make what use you think convenient. It will perhaps be reckoned no small Presumption in me, to oppose so great a man as the Learned Mr. *Selden*, whose Authority hath upon most occasions been held as *sacred*: But it must be considered, That the learnedst Man is liable to err; That Truth alone ought to be sacred; and That This, and not Authority unless founded upon Truth, is to be regarded in any Writer, of how great a Name soever.

I shall therefore, without any further Apology, proceed to take into consideration the Proposition laid down by Mr. *Selden* in the forementioned

Place, which is, (*) "That the Kings of *England* have always (*perpetuò*) " been in Possession of the Islands lying near the *French* shore ; that is (as " he explains himself) of the Islands of *Jersey*, *Garnesey*, and others on the " coasts of *Normandy* and *Bretagne* (†), and consequently have been Masters " of the Sea, in which those Islands lie."

And here I cannot but observe once for all, That for Mr. *Selden* to argue in Vindication of this noble Privilege, upon so ill-grounded a Principle, as he does all along in this Chapter, serves only to betray his Cause ; and rather weakens, than confirms our antient and well-established Prescription to the Dominion of the *Narrow Seas*. For, Were these Islands ever in the hands of *Ecbert*, *Alfred*, *Edgar*, *Eihelred*, *Canute*, or any of their *Danish*, or *Saxon* Successors ? And yet, if Mr. *Selden's* Argument be of any force, they ought even then, or rather for ever (*perpetuò*) to have been subject to the Kings of *England* ; for so high is the Pretension to the Dominion of the *Narrow Seas* carried by the Assertors and Patrons of it (‡).

To set therefore this whole Matter in a true light, I shall give a short abstract of the antient State of those Isles out of your History. It is then certain, That these Islands were part of the antient Province of *Neustria*, and subject to the Kings of *France* of the first and second Race, till the Year 912 when *Charles IV.* King of *France*, harassed by the repeated Invasions of the *Norman* Free-Booters, was, in order to quiet them, forced to grant *Rollo* and his Followers these Islands, with the whole rich Province of *Normandy* (§) such was their antient Civil State. As for their Ecclesiastical Government ; about the Year DLV. *Childebert*, did, at the Request of *St. Sampson*, Archbishop of *Dol* in *Aremorica*, (or *Bretagne*), annex them to that See ; under whose successors they continued, till the settling of the *Normans* in *Neustria* (||). But all that while, they remained, in secular Affairs, under the Jurisdiction of the Kings of *France*. For it appears, that *Charles the Great*, had there his Governours, called *Duces* and *Comites* ; and dispatched thither, upon extraordinary occasions his *Legati*, or Commissioners-Royal (¶). When the *Normans* became possessed of *Neustria*, and with it of these Isles, they were by them withdrawn from the Jurisdiction of the Archbishop of *Dol*, and annexed to the See of *Coûtances* (a). So that Mr. *Selden's* Supposition must be groundless (b), That this was not done till the *English* were Masters of both

(*) In dominio Insularum litori Gallicano præjacentium perpetuò à Regibus Angliæ retento, possessionem Maris in quo sitæ sunt, à majoribus acceptam conspici. *Seldeni Mare Clausum Lib. II. c. 19.*

(†) ——— Littori Normannico ac Aremorico præjacentes, imo intra maris sinum, quem facit hinc Aremoricum, illinc Normannicum litus, *Ibid.*

(‡) See Mr. *Burchet's* Naval History Book I. c. x. xi. and Mr. *Selden's* *Mare Clausum*, &c.

(§) See Account of *Jersey*.

(||) *Ibid.*

(¶) *Ibid.*

(a) *Ibid.*

(b) Ob loci vicinitatem commodius quibem habebatur regimen ecclesiasticum è Normanniâ deductum : quod initium habuisse ex illis seculis quibus utrumque litus possidebat Anglus, par est ut credamus. *Selden. ubi. supra.*

Shores, that is, after the *Norman Conquest*. Upon the whole then, These Islands were parcel of the *Duchy of Normandy* until by *Henry I.* they were annexed to, and declared unalienable from, the *Crown of England* (*).

Such being the Truth of the Matter, let us particularly examine the several Arguments alledged by the great *Mr. Selden*, to prove the contrary opinion, namely, "That the Kings of *England* have always possessed the Islands aforesaid lying near the Coast of *France*, (and consequently been Masters of the Sea in which they are situate.)"

1. His first Argument is taken from a Petition (†) of the *States of England*, and of several other foreign Nations, to the Commissioners of *England* and *France*, against *Reynes Grimhultz* Admiral of *France*, in the Reigns of *Edward I.* and *Philip the Fair*, An. 1303. wherein it is expressly acknowledged, That the King of *England* hath always been Master not only of this Sea, but also of the Islands lying in it, by reason of his Dignity, or as he is King of *England*. In answer to which, I beg leave to observe in general, That the Language of Petitions is seldom much to be depended upon, and therefore arguing from them is but building upon a sandy Foundation. For the Petitioners do not generally regard so much the Truth of what they advance, as whether it will serve their present Turn and Purpose. As for the words of the Petition now under consideration, they are so very general and indeterminate, that from them nothing certain can be concluded; For in them it is only affirmed, "That the Kings of *England*, by reason of their said Kingdom, have, from Time immemorial, been in peaceable Possession of the sovereign Dominion of the Sea of *England*, and of the Islands situate therein." (‡) Now, what do they mean by the Sea of *England*? It could not be what is at present called the *British Ocean*, or else their words must admit of great Restriction. For certainly the Kings of *England* could not then be said with any Truth to have been, from Time immemorial, in peaceable Possession of the Islands situate therein, except a very few, namely those of *Wight* *Portland*, and others upon the Coasts of the Southern Counties. The greatest part of the Islands in the *Narrow seas* were not then in their Possession; witness the mighty Clusters of Isles about *Scotland*, several on the Coast of *Bretagne* &c. Even *Ireland* was but lately conquered *viz.* in the Reign of *Henry II.* and the Accession of the Isle *Jersey*, & others near the *Norman Coast* was not till the Reign of *Henry I.* all which is far from having been from Time immemorial. So that the general Assertion of the Petitioners, taken in its obvious Sense and due Latitude, is false; and they not having explained what Isles they meant, no Argument of any weight can be grounded upon the words of their Petition: Consequently this Argument of *Mr. Selden* is of no force.

2. His second Argument is taken from a Custom formerly practised by

(*) Account of *Jersey*.

(†) See that Petition at length in *M. Selden's Mare Clausum* Lib. II. c. 28. and *Mr. Burchet's Naval History* Book I. c. 11.

(‡) Que come les Royes d'Engleterre par raison dudit Royalme, du temps dont il n'y ad memoire du contraire, eussent este en paisible possession de la souveraigne Seignurie de la Mer d'Engleterre, & des Isles esteauns eu ycell: — *Selden Mare Clausum*, Lib. II. c. 28.

some of our Kings, namely Their sending over into those Islands *Justices Itinerant*, as they are wont to do at the Circuits here in *England*, who brought such Matters as could not be determined within those Isles into the Court of *Kings Bench*; from whence he infers, That these Places were of the ancient Patrimony of *England*; and never belonged to *Normandy*: And this he endeavours to confirm, by observing, That the like was never done in those Provinces of *France*, which were possessed by our Kings; they being left to their own Jurisdiction.

But surely, this Argument does not in the least prove, That these Islands *always* belonged to the Crown of *England*. At most, it only serves to shew, that they depended upon it in the Reigns of *Edward I.* and of his two immediate successors; which is not so high as the Time of *Henry I.* when it is well known that they were annexed to the *English* Dominions. For the Custom of sending *Justices* thither (*) did not begin till the latter End of *Edward I.* when *Robert de Leisset* was commissioned to go there, at first under the Title of *Inquisitor*, and afterwards of *Judge itinerant*; and was again abrogated in the 5th Year of *Edward III.* But these *Justices* were very different from the Judges of Assize commissioned to administer Justice in *England*; for these latter go every Year, whereas the former were sent only once in three Years, or upon extraordinary Occasions; in conformity to the ancient *Norman* Custom, where the *Seneschallus* went his Circuit once in three Years (†). And the sending of those *Justices* was so far from being a thing of ancient Right, that it was all along contested and opposed; and the Inhabitants, as *Mr. Selden* takes notice, were often presenting Remonstrances and Petitions against it.

Again it must be observed, That the Commissions of those *Justices* contained an express Clause, yet extant upon Record, That they should judge *secundum Leges & Consuetudines Insularum* (‡). Now these *Laws and Customs* were not the same with those of *England*, but of *Normandy*; as appears by the Inspection of the Rolls of those *Justices* in the *Tally-Office* in the Exchequer. And this, by the by, is no insignificant Proof of their having formerly been part of *Normandy*, and not *always*, from Time immemorial, belonged to the Crown of *England*, according to *Mr. Selden's* Assertion.

Moreover the sending *Justices itinerant* into the said Isles, is no more an Argument of their having *always* been in the Possession of the Kings of *England*, than the sending *Inquisitors* into *Normandy* is a Proof of its having *always* been subject to the *English* Crown. And yet, that such *Inquisitors* were sent thither, is manifest from this passage of *Robert de Monte* in his *Appendix to Sigebert*, under the Year 1164. *Rotrocius Episc. Ebroicensis & Ruynaldus de Sancto Valerico Normanniam recognoscere missi sunt, jussu Regis, per Episcopatus, Regales Redditus, & Consuetudines ad Regem & Barones pertinentes.* Which Commission was like that of the *Justices itinerant* above-mentioned, consisting only of Quo-Warranto's: And it will be to no purpose to pretend to find a Difference, by saying, That these *Inquisitors* were *Normans*; for

(*) As is manifest from the Records in the *Tally-Office*.

(†) Grand Coustumier Chap. Du Seneschall au Duc.

(‡) Rot. Insul. An. 2 Edw. II. &c. penes Camerarios Scaccarij.

sometimes the *Justices* aforementioned were also Natives of the Islands, as *Drogo de Barentin*, and *John de Carteret*; their Commission receiving thereby no manner of Alteration. As for the bringing and determining of Suits begun there, into the Court of the *Kings Bench*, it was a downright Violation of their Laws and Privileges, and directly contrary to the VIIIth Article of King *John's* Constitutions, which says expressly, that *all suits commenced within the said Islands, shall be terminated there* (*). Accordingly, these Irregularities were rectified, and the ancient Privileges of the Islands confirmed by King *Edward III.* and his Successors Kings of *England*; and from that time, I believe, they have been subject only to the King and Council.

3. His next Argument is taken from a charter of *Edward VI.* wherein it is said, *That the Privileges therein granted, were the same as the Islanders and their Ancestors had enjoyed under some of his Predecessors Kings of England, without adding these words——and Dukes of Normandy.* But to this what Mr. *Selden* himself observes might be a sufficient Reply, That tho' these words are left out of this Charter, yet they are found in others. And it may moreover be remembered, that after *Henry III.* had parted with his Right to *Normandy*, the Words above, were *seldom*, or not always at least, inserted among the rest of our Kings Titles. However, not to insist upon this, it would be but a bad way of arguing to say, The Kings of *England* have granted these Islands many Privileges, or, these Islands have enjoyed many Privileges under the Kings of *England*, Therefore the Dukes of *Normandy* were never in Possession of them, or had any thing to do there. And yet no better is the present Argument.

4. Mr. *Selden's* IVth Argument is, That in a Petition presented to the Parliament by the Islanders, in the Reign of *Edward III.* wherein they give a Representation of the Privileges they had enjoyed from time immemorial, there are some which seem to imply, that those Isles had been subject to the ordinary Jurisdiction of our Kings, in Right of their Kingdom of *England* and not as they were Dukes of *Normandy*.

But this can never be made out from the Instances alledged here by Mr. *Selden* (†), unless it is proved at the same time, That the Islands enjoyed those Privileges, before ever the Kings of the *Norman* Race mounted the *English* Throne, and were not indebted for them to the Favour of the Kings of *England*. For, examine them impartially, and you'll find, there is not in them the least Circumstance that makes it appear, whether they were granted by Kings of *England*, or Dukes of *Normandy*. The Privileges here cited, are Part of the Constitutions of King *John* (‡). They were indeed

(*) Quod nullum Placitum infra quamlibet dictarum Insularum coram quibuscunque *Justiciarijs* inceptum, debet extra dictam Insulam adjornari, sed ibidem omnino terminari. See Account of *Jersey*, p. 331

(†) Item quod nullus de libero tenemento suo, quod annum & diem pacifice tenuerit, sine brevi domini Regis de Cancellaria, de tenemento et tenente faciente mentionem, respondere debeat. Item, quod non debeant coram justitiarijs domini Regis, ad assisas capiendas assignatis, respondere, antequam transcripta commissionum eorundem sub sigillis suis eis liberent. Item quod justitiiarii per commissionem domini Regis ad assisas capiendas hic assignati non debeant placita hic tenere ultra spatium trium septimanarum.

(‡) Artic. IX, XIV, XV. See Acc. of *JERSEY*.

granted by him, not as Duke of *Normandy* (for he had then lost that Province) but as King of *England*: And yet this does not in the least prove, that these Islands had *always* been under the Jurisdiction of the Kings of *England*. Accordingly, in that same Petition the Islanders acknowledge, That they had (formerly) been part of *Normandy*, as is well observed by Mr. *Selden*. As for their saying, that they had enjoyed those Privileges from time immemorial, That might possibly be, if it be admitted, That *K. John's* Constitutions contained, at least in the main, a Confirmation of their ancient Rights and Liberties; which is very certain. Or, dating the Origin of 'em from *K. John's* Constitutions, they must then have been near 100 years in possession thereof, which is more than sufficient to found a Prescription, and may with no great impropriety be called *Time immemorial*.

5. For a Vth Argument, Mr. *Selden* produceth, a Grant of *Q. Elizabeth* to *Helier de Carteret*, and his Heirs, of the Isle of *Serk* to be held in Capite; as if that Tenure was an infallible Proof of this Island's having ever been a Fee-Patrimonial of the Crown of *England*. Can nothing then be granted by that Tenure, except a Patrimonial Fee? Why it could not be thus disposed of, if it had been Part of the English Patrimony, only since the Norman conquest, is really inconceivable. Perhaps the Author means, That this Island's being granted by a Tenure that was peculiar to *England*, is an evident Proof of its having always been part of the English Dominions. So Mr. *Poiugdestre* understands him. But certainly Mr. *Selden* very well knew, That Tenures in Capite are not peculiar to *England*, but have, from the ancientest Times, been also used in *Normandy* (*); whence if we believe *Dr. Brady* (†), they were brought into this Kingdom after the Norman Conquest. So that this Argument is of no Moment.

6. Neither is the next of much greater weight: It is taken from the VIth Article of the Treaty of *Bretigny*; wherein it is said, "That the King of *England* shall have and hold all the Isles adjacent to the Lauds, Countries, & Places beforenamed, together with all other Isles which he holds at present." But what then? is it there said, the Kings of *England* have always held those Islands? or doth it thence follow, That those Islands have always, and from Time immemorial, belonged to the Crown of *England*? Surely no Argument can be more trifling or inconclusive.

7. The Consequence he draws from a Clause in the Treaty between *Henry VIII.* and the Emperor, in 1542. and of another, between *Q. Elizabeth* and the States of the *United Provinces*, An. 1585. wherein it is said, That the forementioned Islands—*ad regnum Angliæ attinent, & regno Angliæ adjacent*, belong to and are situate near the Kingdom of *England*, is of as little force as the last. Unless we were sure hereby was meant, That the said Islands always belonged to the Kings of *England*. Otherwise it will be exactly the same as if one was to argue, That *Ireland* was always, and from time immemorial, (perpetuò) subject to *England*, because it belongs to, and lies near it, which would be a very poor and false Inference.

(*) See *Grand Coustumier* Distinction III. ch. 34.

(†) Preface to the *Norman History*.

8. His two next Arguments tend to prove, That the Kings of England ever held those Islands by a higher Title than that of Dukes (of Normandy), otherwise Henry V. could not have granted them to his Brother John Duke of Bedford in full Sovereignty; nor Henry VI. created Henry Beauchamp, Duke of Warwick, King of 'em, unless they had possessed them by a Royal Title.

In answer to which the Reader may observe, That, after the Loss of Normandy, if our Kings possessed them at all, they must have done it as Kings of England, and disposed of them as such; and not as Dukes of Normandy, because they were no longer so. But besides, suppose a King of England should have a mind, with the Consent of his Parliament, to erect any part of his Dominions into a separate and dependant Kingdom, (as was that of the Isles): I shall ask, whether it would not be equally in his power to do it, if he held them only as *Earl* or *Duke*, as if he did it as King or Emperour? This the Instance alledged by Mr. Selden shews to be no way impossible. Richard II. erected Ireland into a Kingdom, in behalf of Robert de Vere Earl of Oxford; and yet neither He nor his Successors were styled otherwise than Lords of that Island, till Henry VIII. took the Title of King of England, France, and Ireland. Why therefore it should not be equally in the Power of Henry V. and VI. to make a Kingdom of the Isles above-named, tho' they held them only as Dukes or Lords, is what I cannot conceive.

10. Mr. Selden's last Argument, for the perpetual Dependance of these Isles on the Crown of England, is, that he finds in the Rolls of the Justices itinerant sent over thither, these words ——— *Placita Coronæ* ——— *spretā dignitate coronæ domini Regis* ——— *ut de feodo & jure coronæ suæ.* ——— &c. all which is a Style of Regal and not of Ducal Authority. But from what time these Expressions were used, is the Question? if they were not so (perpetuō) always, and from time immemorial, this Argument will be nothing to the purpose. And, why they could not be used, if our Kings had enjoyed those Islands only from the Reign of William I. is what no man can give a good reason for. The time here mentioned by our Author can be no objection; for it was during the Reigns of the three first Edwards. And before that time Mr. Selden might have known, there was another Form of Words, as is manifest from the Roll of Robert de Leisset, wherein we read, *Placita Coronæ, quæ in Insulis dicuntur Placita Spadæ* (*). What these *Placita Spadæ* were, is plain from the Grand Coutumier. which informs us, That the Sword was the Badge of Ducal Authority, as the Crown is of Regal. Whence it is that in *Mat. Paris* (†), *Huntingdon*, *Hoveden* (‡), and other Historians, *cingi gladio Dueatus Normanniæ*, was the same in a Duke of Normandy, as to be crowned in a King of England.

These, Sir, are the few Remarks I had to make on Mr. *Selden*; at which I hope no one can take Offence. The Design of 'em, is neither to undervalue the truly learned Man whom I have opposed, nor to weaken the Title which

(*) An. 28 Edw. I, penès *Camerarios* Seacc.

(†) *M. Paris*, p. 196.

(‡) *Hoved.* p. 654, 792, 793, &c.

the *English* Nation enjoys to the Dominion of the *British Ocean*: A right which is grounded upon immemorial Prescription: that hath been confirmed by repeated Treaties, and constant Practice: and a Right on which indeed the Safety of our Islands, of *Jersey* and *Guernzey*, entirely depends. For so long as our Masters, the *Kings of England*, enjoy the Dominion of the *Narrow Seas*, so long are we safe, and no longer. The Moment the *French*, or, any other envious neighbouring Nation, rivals the Power of *England*, and gets a Fleet superior to ours (of which indeed there is no danger at present, and 'tis to be hoped never will,) we shall be inevitably swallowed up, be brought into the same wretched state of Slavery, which those tyrannical Princes keep their unhappy Subjects under; and lose at once the Enjoyment of our excellent Religion, and of all our Civil Rights and Liberties; without which, what is there desirable under the Sun? That we may always therefore remain united to that powerful Crown, under whose kind Government we enjoy all the Happiness and Protection we can desire, and taste of the Sweets of Liberty, and Plenty, as much as the narrow Compass of that small Place can afford is the hearty wish of,

SIR,

Your most obedient

and obliged, humble Servant,

PHILIP MORANT.

London, Oct. 27, 1733.



EXPLANATORY NOTES.

PREFACE.—NOTE 1. p. i.

Heylin's work was not published till 1656, or 28 years after he had visited the Channel Islands, and when the civil and religious establishments which he advocated were very unlikely to have been restored, as they were so soon after by Charles II, in 1660. He was a voluminous and laborious writer, and died Prebendary of Westminster at an advanced age in 1680. The work in question contains 424 pages, 148 of which are exclusively devoted to the survey of the Channel Islands, which is remarkable for its appearance of plain dealing and impartiality. It also contains the best account extant of the contest, whether the Reformed Church of England or that of Geneva should prevail in these Islands, and by what means the form which had been introduced by Edward VI, was eventually established under James I. Heylin sailed from England March 6, 1628, or new style, 1629, landed in Jersey on the 6th, and left it on the 16th of the same month, making in all a stay of only 10 days. His information is remarkably accurate, and Mr. Falle might have explained the reason of that unexpected accuracy. Heylin, as Chaplain to the Earl of Danby had not only every opportunity of obtaining very extensive information, but to have it from the first Sir Philip de Carteret, of St.-Ouen, who was then Bailiff of the Island. This Sir Philip was a man of high attainments, and from 1605 till his death in 1643, his name is continually mixed with all the public transactions of Jersey, either as Jurat, Bailiff, or Lieutenant Governor. Dr. Heylin was the friend and biographer of Archbishop Laud, who after repeated applications to the Crown from the Island, was chiefly instrumental in procuring the endowment of the Jersey Fellowships in 1636. I am therefore inclined to believe that most, if not all the facts in Heylin's work were supplied by that loyal and distinguished Gentleman. It is become very scarce, and it were much to be wished, that it should be republished (*).

We cannot close this note, without offering some extracts which may not be unacceptable to our readers, as exhibiting the then state in which Jersey had probably been stationary for some centuries before, compared with its progression in wealth and consequence to what it was a Century later in the days of Mr. Falle, and with its present commercial and agricultural prosperity in 1835, when the Channel Islands import to the amount of £500,000 from Great Britain, and export to the amount of £120,000; thus showing even in a Commercial point of view the value of those Islands to the larger Country.

(*) If a sufficient number of Gentlemen will patronize the undertaking, the publisher of this work is ready to undertake the publishing of it.

“ It was also not the last part of mine intention, to do something in honour of the Island, by committing to memory their Antiquities, by reporting to posterity their Arts of Government, by representing, as in a Tablet, the choycest of their beauties ; and in a word, by reducing these and the Achievements of the people, as far as the light of Authors could direct me, into the body of an History. But when I had a little made myself acquainted with the place and people, I found nothing in them which might put me to that trouble. The Churches naked of all Monuments, and not so much as the blazon of an Armes permitted in a window, for fear, as I conjecture, of Idolatry. No actions of importance to be heard of in their Legends, in their remembrancers ; whereby to eunoble them in time to come, unless perhaps some slight allarms from *France*, may occasion speech of them in our common Chronicles. The country, indeed, exceeding pleasant and delightsome, but yet so small in the extent and circuit, that to speak much of them, were to put the shoe of *Hercules* upon the foot of an Infant. For being in themselves, an abridgement only of the greater works of nature, how could the character and description of them be improved into a Volume ? Having thus failed in the most of my designes, I applyed myself to make enquirie after their form of Government, in which, I must needs confess, I met with much which did exceedingly affect me. Their Laws, little beholding in the composition of them, to *Justinian* ; and of no great affinity with the laws of *England*, which we call Municipall or common. The grand Cnstomarie of *Normandy*, is of most credit with them ; and that indeed the only rule by which they are directed, save that in some few passages it hath been altered by our Prince, for the conveniency of this people.” (p. 280.)

“ On Thursday his Lordship went in the *Cohu* or Town-Hall, attended by Sir *John Palmer* the Deputy Governour, Sir *Philip de Carteret*, the Justices, Clergy, and Jurors of the Island, with other the subordinate Officers, thereunto belonging ; where being set, as in a Parliament or Sessions, and having given order for redresse of some grievances by them presented to him in the name of that people, he declared to them in a grave and eloquent speech the great care which his Majesty had of their preservation in sending Men, Money, Armes, and Ammunition to defend them against the common Enemies of their peace and consciences ; assuring them that if the noise of those preparations did not keep the *French* from looking towards them, his Majesty would not fail to send them such a strength of Shipping, as should make that Island more impregnable than a wall of Brass ; in which regard he thought it was not necessary for him to advise them to continue faithfull to his Majesties service, or to behave themselves with respect and love towards those Gentlemen, Officers, and common Soldiers, who were resolved to expose themselves (for defence of them, their Wives and Children) to the utmost dangers. And finally, advising the common Soldiers to carry themselves with such sobriety and moderation towards the natives of the country, (for as for their valour towards the enemies he would make no question) as to give no offence or scandall by their conversation. This said, the Assem-

bly was dissolved, to the great satisfaction of all parties present; the night ensuing and the day following being spent for the most part in the entertainments of rest and pleasures." (p. 288, and 289.)

"The whole time of our stay here was spent in visiting the Forts, and Ports, and other places of importance, taking a view of the severall Musters of the naturall Islanders, distributing the new come Soldiers in their severall quarters, receiving the services of the Gentry, Clergy and principall citizens; and finally in a like meeting of the States of the Island, as had before been held in *Jersey*." (p. 290.)

"This Island, as before we noted, is some 33 miles in compass, comprehending in it 12 parishes, whereof the principall is that of *St. Hilaries*. A Town so called from an antient Father of that name, and Bishop of *Poyctiers*, in *France*, whose body they suppose to be interred in a little Chappell neer unto the Fort *Elizabeth*, and consecrated to his memory. But of his buriall here, they have nothing further than tradition, and that unjustifiable; for *St. Jerome* telleth us that after his return from *Phrygia*, whereunto he had been confined, he dyed in his own city; and we learn in the *Roman Martyrologie*, that his *Obit* is there celebrated on the 13 of *January*. The chief name the which this Town now hath, is for the conveniency of the Haven, the Market there every Saturday, and that it is honoured with the *Cohu* or *Sessions-house* for the whole Island. The other Villages lie scattered up and down, like those of *Guernzey*, and give habitation to a people very painfull and laborious; but by reason of their continuall toyle and labour, not a little affected to a kinde of melancholy surliness incident to plough men.

"Those of *Guernzey* on the other side, by continuall converse with strangers in their own haven, and by travelling abroad being much more sociable and generous. Add to this, that the people here are more poor, and therefore more destitute of humanity; the children here continually craving almes of every stranger; whereas in all *Guernzey* I did not see one begger.

"A principall reason of which poverty, I suppose to be their exceeding populousnesse, there being reckoned in so small a quantity of ground, neer upon thirty thousand living souls. A matter which gave us no small cause of admiration; and when my Lord of *Danby* seemed to wonder, how such a span of earth could contain such multitudes of people, I remember that *Sir John Payton* the Lieutenant-Governour, made him this answer, viz. That the people married within themselves like conies in a burrow; and further, that for more than thirty years they never had been molested either with Sword, Pestilence, or Famine.

"A second reason of their poverty (add also of their numbers) may be the little liking they have to Trafick; whereby as they might have advantage to improve themselves, and employ their poor; so also might that service casually diminish their huge multitudes, by the losse of some men and diverting others from the thought of marriage.

"But the main cause, as I conceive it; is the tenure of their Lands, which are equally to be divided amongst all the sons of every Father, and those parcels also to be subdivided even *ad infinitum*. Hence is it, that

in all the countries you shall hardly finde a field of corne of larger compasse than an ordinary Garden; every one now having a little to himself, and that little made lesse to his posterity. This Tenure our Lawyers call by the name of *Gavel-kinde*; that is, as some of them expound it, *Give all-kinne*; because it is amongst them all to be divided.——

“By this Tenure are their estates all holden in every of the Islands except 6 only which are held in *capite*; whereof 4 in *Jersey* and 2 in *Guernzey*, and those called by the names of *Seigneuries*. The *Seigneuries* in *Jersey*, are first, that of *St. Oen*, anciently belonging to the *Carterets*; and that of *Rossell*, bought lately of Mr. *Dominick Perin*, by Sir *Philip de Carteret* now living. 3. That of *Trinity*, descended upon Mr. *Joshua de Carteret* in the right of his Mother, the heir generall of the *L'Emprieres*. And 4. That of *St. Marie*, vulgarly called *Lammarez*, descended from the *Paines* unto the Family of the *Du Maresque* who now enjoy it, Those of *Guernzey*, as before I said, are two only; *viz.* that of *Anneville* and that of *De Sammarez*; both which have passed by way of sale through divers hands, and now at last are even worne out almost to nothing. The present owners, *Fashion* and *Androes*, both of them *English* in their parentage.

“The chief Magistrates in both these Isles, for as much as concerns the defence and safety of them, are the Governours; whose office is not much unlike that of the Lord Lieutenants of our shires in *England*, according as it was established by King *Alfred*, revived by *Henry III.* and so continueth at this day. These Governours are appointed by the King, and by him in times of warre, rewarded with an annuall pension payable out of the Exchequer; but since the encrease of the domaine by the ruine of Religious houses, that charge hath been deducted; the whole Revenues being allotted to them in both Islands for the support of their estate. In civill matters they are directed by the *Bailiffs* and the *Jurates*; the *Bailiffs* and other the Kings Officers in *Guernzey*, being appointed by the Governour; those of *Jersey* holding their places by Patent from the King.”(pp. 302—305.)

Note 2, p. vi.

The wars which have so often occurred between England and France since the Norman conquest, have naturally kept that national aversion alive, which is always the more intense when directed against a neighbouring State.—The attachment of the Islanders to their Sovereigns sprung originally from a grateful sense of the immunities which they had received from them. All the ancient Charters and official Documents are invariably premised with an acknowledgement of the loyalty of the inhabitants. At the Reformation the bond of union became still closer from the consciousness that their British connexion was their only guarantee for liberty of conscience, and an exemption from those religious persecutions to which they would have been exposed had they become French subjects. Since the days of Mr. Falle, the wealth, the importance, and the commercial prosperity of Jersey have prodigiously increased, and unite it still further to Great Britain by the powerful motive of mutual interest.

It is probable that the inhabitants long retained a strong sense of the unresisting and disloyal manner in which the Normans suffered themselves to be conquered under King John, and to this day, when the common people wish to express their utter contempt of a Frenchman or of any other Foreigner, they call him a *Norman*. Well may our countrymen pride themselves in their superiority over a people, once their fellow subjects, but who, till very lately had been debased by long ages of despotism and superstition!

Note 3, p. vii.

Dr. Heylin is incorrect in his expression. The Norman Islands are not *annexed* to the Crown of England, but are a parcel of the ancient patrimonial dominions of the Kings of England as Dukes of Normandy. The Islands retain their language, their laws and customs, which are totally distinct from those of England, whose Parliament does not possess the right to legislate for them without the intervention of King and Council. When acts of Parliament are to extend hither they are transmitted by an Order of Council, and even then they cannot be carried into effect, till they have been registered in the Royal Court of the Island. May then this kind of nationality, which reminds them so forcibly of their distinguished ancestors, continue long, and while they remain unshaken in their zeal and loyalty to their Sovereign, may they never form a closer coalition with a powerful state, in which that nationality would naturally be extinguished, and in whose constitution they would probably not be allowed to participate but on the condition of bearing their share of an overwhelming load of taxation.

The separation of Normandy from England seems to have been rather a revolution than a conquest. The feudal proceedings of the Parliament of France would have been of little avail had not the affections of the people been previously alienated by the atrocities and bad government of King John. The Royal Commissioners *Pyne* and *Napper* who repaired to Jersey in 1591, who probably in their Ordinances spoke but the language of former times, attribute the loss of the Duchy of Normandy not to a conquest, but to the defection and unnatural rebellion of the inhabitants. The expression *rebellion* is very striking when applied to an event which had taken place 300 years before, and can only be understood to prove not only the deeply rooted resentment, but the regret which was so long felt by the British nation for the loss of those continental possessions.

Note 4, p. vii.

The trade of the Channel Islands was of very little consequence in the time of Dr. Heylin. The date of the first construction of the Harbour and Tower of St. Aubin is involved in obscurity; but they are thus mentioned under the name of *Bulwarkes* in an Order of Council of Edward VI. of April 15, 1550, soon after the unsuccessful attack of the French at Bouley Bay.—“ And for as much that a greate parte of the safetie and commoditie of the

same Isle dependeth of the good safe keeping of your havens, wee shall on his Majesties behalfe, require you all, whose speciall interest resteth in the same, joyning your will and endeavours and good helps together, to contribute among yourselves for the speedye reinforcing of the Bulwarkes of St. Albons's." The times are however much changed, the Channell Islands in the centre of Europe and in its most temperate climate have become considerable entrepots for the produce of the new States of South America ; thus enabling them to acquire from their trade to those countries a commercial importance, which they could have never enjoyed from the most unlimited intercourse with the colonies of Great Britain.

It would not be the interest of either the Ports of Granville or St. Malo, that these Islands should be annexed to France, as in that case, they would become their rivals in trade, and from their excellent harbours, and the industry of their inhabitants, would do them more injury from sharing with them in common the advantages of French Subjects, than they can do them now by their connexion with Great Britain. It is possible that, if ever these Islands should fall into the hands of the French, this latter circumstance might be a powerful motive to procure their restoration on a subsequent pacification.

Note 5, p. ix.

This Gentleman has always been justly esteemed as one of the most learned and upright Magistrates that this Island ever produced. His descendants are still settled on the same estate in St. Saviour's parish. His birth is thus noticed in the Register of Baptisms of that parish 1609, "*Jean fils d'Edouard Poingdestre fut baptisé le 16 Avril et présenté (au Saint Baptême) par Thomas Poingdestre fils Edouard.*" His mother's name was *Pauline Ahier*.—(V. Reg. of Marriages, St. Saviour, 1606). He had a younger brother, Thomas Poingdestre, born in 1613, who occupied the peaceful and unambitious situation of Rector of St. Saviour, for 51 years, from 1638 till his death in 1689, when Mr. Falle, our historian, succeeded him. Thus all that remains of a useful life of nearly fourscore years is to be found in two or three entries of a parochial Register.

———"Where to be born and die,
Of rich and poor makes all the History."

Pope's Man of Ross.

Mr. Poingdestre is also mentioned by Mr. Le Geyt, (*Chap. IV. Des Jurez*) but it is well worth while to draw the attention of the reader to the difference of style between the uncompromising and constitutional magistrate, and the honest, but rather courtly historian, who wished to be pleased with whatever he had to relate.—The facts are, Mr. Poingdestre had stipulated with Sir Edward de Carteret, the Bailiff, to be his Lieutenant; but as it was then supposed that he could not be qualified without being a Jurat, an Order of Council was issued to recommend to the people to elect him to that office, a kind of *congé d'élire* nullifying effectually the elective

franchise of the Inhabitants. The appointment of Mr. Poingdestre to the Lieutenancy was highly proper, but it ought to have been done constitutionally. The circumstance is thus as it were incidentally mentioned by Mr. Falle. "After the Restoration his services were had in remembrance and his great abilities considered, and so he was made Lieutenant Bailly, which honourable post he enjoyed several years, and his seat on the bench to his death in 1691."

Mr. Le Geyt's statement is as follows :

"En 1668 un Juré fut élu par Lettres de Recommandation du Roy. C'estoit un homme d'érudition et de crédit à la Cour, et il devait revenir d'Angleterre, où il estoit demeuré depuis le rétablissement du Roy Charles II. Il avoit fait accord avec le Bailly pour la place de Lieutenant, et selon la coutume il fallait le mettre sur le Banc avant qu'il vint à la Chaire. Il ne seroit pas plus difficile d'établir des Lieutenants Baillis de Roy, que des Jurez par recommandation, et peu de tels exemples feroient bientôt perdre aux Baillis et aux habitants leurs anciens privilèges."

It results from this quotation, that Mr. Falle suppresses the irregularity of Mr. Poingdestre's election, and that what was but a mere private arrangement with the then Bailly, Sir Edward de Carteret, is magnified into a reward of his loyalty. What that arrangement probably was, Mr. Le Geyt, who had been himself Lieutenant Bailly, mentions in another part of his work. (Chap. III. Du Bailly.) "Avant l'augmentation des gages par Jacques I, la Lieutenance du Bailly estoit toute gratuite; on partageoit les séances de bon accord. Peu à près le Bailly s'est contenté de recevoir d'abord quelques honnestetés de son Lieutenant, puis il a stipulé la moitié des profits, &c."

The inscription on Mr. Poingdestre's monument is highly classical, and very probably was from the pen of Mr. Falle himself. The reader will not be sorry to see it here reprinted as it is still extant in St. Saviour's Church.

"Jean Poingdestre, Ecr., Justicier en cette Isle, fut enterré dans le Temple de St. Sauveur, le 4e. Septembre, 1691."—(V. Reg. of Burials).

D. O. M. S.

Johannes Poingdestre, Armiger,

Hæc juxta situs,

Vir, dum viveret,

In omni scientiarum genere eruditissimus

Utriusque præsertim juris peritissimus;

Græcanicis literis ita doctus,

Ut prisca illis Athenis oriundum natum, diceres :

Carolo Primo Sanctissimo Regi et Martyri

Diù ab Epistolis;

Quo cæso.

Post horrendos bellorum civilium motus,

Quibus, Regiis Partibus semper addictissimus, interfuit;

Huc remeans

In amplissimum Senatus nostri Ordinem ascitus,

Olim etiam Vice Ballivus,

Multis maximisque Exemplis editis

Pietatis in Deum et Ecclesiam;

Fidci in Principem,
 Charitatis in patriam,
 Omnigeni officii in singulos,
 Bonis hisce artibus senescens,
 Ad summam ætatem proventus,
 Maturus Cælo,
 Desideratissimus Terris,
 Placidissima tandem morte obdormivit in Domino :
 IV Non. Sept. An. Dom. MDCXCI.
 Ætates LXXXIII,
 Patri optimo, Amantissimo,
 Exiguum hoc Pietatis Monumentum
 Mœrens Filius
 Carolus Poingdestre
 P. C.

Before closing this note about Mr. Poingdestre, it may be well to mention that it was formerly held that no person was eligible to the office of Lieutenant Bailly without having been previously elected a Magistrate. On the death of William Charles Lempriere, esq. Lieut. Bailly, the late Lord Carteret, the then Bailly appointed Thomas Pipon, esq., to be his Lieutenant. As the Island was then divided by local disseusions, the prevailing party took very good care that Mr. Pipon should not be qualified by his being elected a Jurat. And it is equally probable that a commendatory Order of Council as in Mr. Poingdestre's case, would have been disregarded. Government however cut at length the Gordian knot, by an Order of Council, of the 17th of June, 1795, which decided the question in Mr. Pipon's favour. (*Register of Orders of Council, Book II. p. 334, 343.*)

Note 6, p. ix.

Mr. Poingdestre's Manuscripts are valuable and interesting, and are still in the possession of his family. They consist principally of a Commentary on the Norman Code, or the *Grand Coustumier de Normandie*, showing how far it has been either changed or modified by the local laws and usages of this Island, where, with those exceptions, it may be said to be the law of the land.

Note 7, p. x.

It has a great deal of merit, but is not free from inaccuracies. The Chart has been much improved by subsequent surveys, and by means of better instruments than were in use in Mr. Dumaresq's time. We would recommend the revised Chart of Captain Martin White, R. N. to be bound with this Edition. As to the Map, all the subsequent ones seem to have been copied from Mr. Dumaresq, with scarcely any alterations. The inaccuracies about the situation of certain places, and the boundaries of the parishes remain uncorrected. A good Map of the Island, marking the military roads, and the principal internal features of the country is still much wanted. This deficiency is however likely to be soon supplied, as Mr. Elias Le Gros, a very able mathematician, and a native of this Island, is now taking a trigonometrical survey of the same.

Note 8, p. xi.

The Duchy of Lorraine was afterwards exchanged in 1736 by its Duke Francis Stephen, the husband of Maria Theresa of Austria, for that of Tuscany, and ceded to Stanislaus the titular King of Poland, and father in law of Louis XV. On the death of Stanislaus in 1765, it was finally incorporated with France.

INTRODUCTION.—*Note 9, p. xv.*

Mr. Falle for many years, either as Rector of Trinity or of St. Saviour, was a frequent and active member of the States of Jersey, when resident in the Island. His name appears in a Committee as early as the 19th March 1680. The act by which Mr. Falle was deputed to England by the States is of the 30th of September, 1692, and two years after that Assembly voted him and his Colleague John Durell, their thanks, (Dec. 20, 1694.) It was probably that successful Deputation, and the patronage of Lord Jermyn, the then Governor of Jersey, which opened the way to Mr. Falle's subsequent preferment in England, where he ultimately fixed his residence.

Note 10, p. xx.

During the civil wars, under Charles the I, a large part of the Island of Guernsey had sided with the Parliament. This probably occasioned the mistake of Vaucour, as whatever differences of opinion might exist about internal policy, there never was an instance in the Channel Islands of the Inhabitants being desirous of passing under a foreign dominion.

Note 11, p. xx.

After the Restoration, Dr. Daniel Brevint was preferred to the Deanery of Lincoln. That distinguished scholar and divine wrote several theological works, especially one entitled *The Christian Sacrament and Sacrifice*, &c. (See *Falle's Library*, A. I. 3.) composed as he tells us "at Paris, at the instance of those two incomparable Princesses, who for many years employed me in their service." And again "And really though they did understand all these scholastick points, especially the *Princess of Turenne*, whose clear and quick apprehension; and neat and unartificial eloquence were wonderful, &c." (See Preface). His banishment occurred from 1651 to 1660, having followed, during that period, the fortunes of his Sovereign, and those of his Patron Sir George Carteret. Dr. Brevint, though a native of Jersey, was of French extraction, one of whose ancestors Cosme Brevint, a French refugee minister, is mentioned in the MS. Chronicles of Jersey, lately published in Guernsey. (See Chapters xxxviii and lxii.) His father Daniel Brevint was Rector of St. John's, Jersey, whose name often occurs in the proceedings of the States, from 1603 to 1615, and in Heylin's Survey, Book VI. Chap. ii. Daniel Brevint was born about the beginning of the Seventeenth century. After Charles I had founded fellowships at Oxford for the Channel Islands in 1636, he was elected to that in Jesus College, from which he was afterwards ejected for his loyalty during the civil wars. According to the Oxford Graduate, he took his degree of Doctor in Divinity in February 1662. He died

in the latter part of the reign of Charles II. I am not aware that there are any individuals of that name remaining in this Island. His ancestor Cosme Brevint, or rather *Brevin*, was settled in the Channel Islands, under Elizabeth in the humble situation of minister of the Isle of Sark, a wonderful distance from that of his dignified descendant, whose merit raised him to the Deanery of Lincoln. Philip Le Couteur, who was Dean of Jersey, from 1662 to 1670, had also been entertained in the *Maréchal's* family during his exile, and it is not many years ago that letters to him from that illustrious lady, written in the most affectionate style, were still preserved as valuable memorials in his family.

Note 12, p. xxi.

Had France conquered the Islands in the time of Mr. Falle, during the Reign of Louis XIV and XV., their lot would have been particularly severe, not only on account of the extinction of their civil liberties, but on account of the religious persecutions to which the protestants were then exposed in the dominions of those princes. One may however express doubts of any intention on the part of the conquerors to have removed the inhabitants to any other country. Their subjugation would however have been followed by the spontaneous emigration of a large portion of the population, and the remainder would have slowly melted away under the pressure of tyranny and irremediable grievances. The same improbable intention was also attributed to Napoleon, if he could have obtained possession of the Islands, and was perhaps equally unfounded. It shows however the opinion entertained, that their present population would never accommodate itself to a foreign yoke. It reminds one of a line of Dr. Valpy, in his alteration of Shakespeare's King John.

For Jersey never will submit to France.

Note 13, p. xxii.

The reader will not be sorry to have two anecdotes highly characteristic of that distinguished officer, from a MS. of Philip Le Geyt, who was his cotemporary, and for many years Lieutenant Bailly of this Island.

“ En 1665, pendant la guerre que l'Angleterre eut avec la Hollande, le Comte de St. Alban possédait le gouvernement de l'Isle par Lettres Patentes ; mais il ne pouvait venir l'exercer en personne à cause de sa charge de Chambellan. On prévoyait alors que cette guerre causerait une rupture avec la France, et que pour la sûreté de l'Isle, il serait besoin d'un grand soldat ; de sorte qu'on jeta les yeux sur le Major Général Morgan à qui le Roi donna sous cachet une commission de Gouverneur. Aussitôt que ce Major fut arrivé, il se rendit à la Ville de St.-Héliér, et plusieurs s'appliquèrent à lui pour recevoir des ordres. Cependant il répondit qu'il n'avait pas encore fait voir sa commission.”

In the mean time,” ajouta-t-il “ *I am nothing.*”

“ Les autres Gouverneurs n'ont pas été si modérés ; ils se faisaient mettre à terre au Château Elizabeth, dont ils prenaient possession d'abord. Les commandants qu'ils y trouvaient cédaient promptement la place. Mais pour les affaires de l'Isle les nouveaux Gouverneurs ne donnent pas d'ordre avant leur réception.”

“ Le Gouverneur Morgan ne se pouvait accomoder de la longueur des
 “ délibérations publiques. Il avait accoutumé de sortir durant la tenue
 “ des Etats, et d’aller se promener en haut dans les chambres, en y prenant
 “ du tabac, puis il descendait quand l’Assemblée avait conclu.”—(MS. de
 “ Philippe Le Geyt.—De la Cour Royale, &c. Chapitre II.)

Note 14, p. xxviii.

Printing was not introduced in this Island till some years after the close of the first American war in 1783, but since that period the progress of the press has been truly rapid. The want of printed documents has thrown a great deal of obscurity over the history of this Island, so that it would, in some cases, be more easy to clear up difficulties in Herodotus or Livy, than to investigate any disputed fact which might have happened here under the Tudors. Add to this the wretched manner in which our Records were formerly kept, which even then do not begin till about 1520, and till these late years any access to them to persons unconnected with the Jurats of the Royal Court was a matter of high favour and of considerable difficulty. This will evidently account for several mistakes into which Mr. Falle has fallen, as will appear from the sequel of these notes.

Note 15, p. xxviii.

There is some account of the Islands of Guernsey, Alderney and Sark in Mr. Dumaresq’s Manuscript, Chapter ix.

Note 16, p. xxix.

The Revd. Philip Morant, or rather *Mourant*, a relative of Mr. Falle and a native of the parish of St. Saviour’s, Jersey. He was the author of several works, and settled at Colchester, where he had a benefice. He died in 1766.

Note 17, p. xxx.

Philip Dumaresq, *Seigneur* of Saumarez, and one of the Jurats of the Royal Court, was the son of Henry Dumaresq, whose name often occurs in the Records of Jersey, during the troubles of the reign of Charles the I, as one of the political adversaries of the elder Sir Philip De Carteret, of St. Ouen, the then Lieutenant Governor and Bailly, and of his nephew the celebrated Sir George De Carteret. On the accession of James II, in 1685, he presented him with a manuscript account of the Channel Islands, and about their best means of defence. It is a work of much merit, and contains a great deal of local information. It is probable that Mr. Falle never saw any more of it, than the quotations with which he seems to have been supplied by the author. It remained as a State secret among the archives of Government till about the close of the last century, when it was transmitted to Admiral D’Auvergne, Duke of Bouillon, the then Naval Commander on this station. His Serene Highness with his usual liberality, allowed it to be copied, a transcript of which is now in the possession of the writer of this note. If I am not mistaken the original is still in the Governor’s Office. The publishing of it would be doing service to the public (*).

(*) This manuscript will also be printed by the publisher of this work if a sufficient number of gentlemen will patronize the undertaking.

That excellent man was sworn in Jurat of the Royal Court the 2nd of February 1681.—(*Cour du Samedi, No. 65.*) He died in 1690, and his daughter and heiress Deborah Dumaresq, was the last of her family who held the estate of Saumarez. It is remarkable that four of the ablest and most patriotic men, who have ever illustrated their native country, were at the same time members of the States of Jersey; viz: John Poingdestre, Philip Le Geyt, Philip Dumaresq, and Philip Falle.

On showing Mr. Dumaresq's Chapter about the tides and currents about this Island to a naval friend, some years ago, he was particularly struck with its accuracy, and could scarcely be persuaded but that its author had been a professional man.

HISTORY OF THE ISLAND.—*Note 18, p. 7,*

The life and martyrdom of St. Helier are involved in darkness and fable. We have a legend of that Saint, published at Rennes in 1680, but it is so mixed up with fiction, that it could scarcely impose on the credulity of the most unenlightened age of catholics or pagans. (*) The hermitage was probably joined to the mainland at the time that St. Helier suffered martyrdom, unless we are to suppose that it had already been insulated by that great catastrophe, which happened in A. D. 709, in the Bay of St. Michael and on the neighbouring coasts, a fact which seems to be established beyond all doubt by the late work of the ingenious Abbé Manet, intitled: "*De l'état ancien et de l'état actuel de la Baie du Mont St. Michel, &c.*"—St.-Malo, 1829.

His cell is built about half way up the Hermitage rock; a raised recess on the left, as you go in, was scooped out, for the hermit's bed of stone. The masonry is of small stones, and bespeaks the most remote antiquity. The leading facts of the legend may be true. St. Helier was some good and holy man, who, in an age when seclusion from the world was philanthropy, and austerities and penance usurped the place of true religion and virtue, sought this road to eminence and usefulness.

The courage and rare firmness of purpose, which enable one to meet a cruel death in defence of his principles, would naturally endear his memory to his countrymen, and the traditions of succeeding ages would add the marvellous to their admiration of what was originally no more than human, though extraordinary virtue.

The Hermitage rock is on the whole, one of the most interesting pieces of antiquity in Jersey. At some former period it was intended, according to Mr. Dumaresq's Manuscript, to remove it as being likely to affect the defence of Elizabeth Castle, and in 1820 a plan was submitted to the States of Jersey to connect it with that fortress by means of a break water; but the heavy expence it would have occasioned prevented its being carried into effect.

Note 19, p. 9.

The political existence of the Normans as a nation may be said to have expired when they were conquered by France in the early part of the Thirteenth Century. Since that time they have not been distinguished from other

(*) Those persons who are fond of ancient traditions may have this legend by applying to the Publisher of this work, who has a few copies to spare.

Frenchmen. It is only in the Channel Islands that we are to seek for the remnant of that heroic race, and it will be evident to the most superficial observer, that the Islanders, to this day, retain a national character, which is as far removed from the French, as it is from the English. I mean principally in the country parishes, where the habits of the population seem to have continued unchanged during a long course of ages.

Note 20, p. 10.

Trials on this *Clameur de Haro*, are still brought frequently before the Royal Court of this Island. It is a remarkable feature in that law, that the prosecution is carried on by the Crown, and that the losing party, whether plaintiff or defendant is mulcted in a small fine to the King, because the sacred name of *Haro* is not to be causelessly invoked with impunity. It is the usual form in Jersey to oppose all alleged incroachments on landed property, and the first step to be taken by which an ejection may be finally obtained.

Note 21, p. 10.

Pope in his Windsor Forest has a beautiful passage descriptive of the tyranny of William the Conqueror, in which the subject of that Monarch's grave is mentioned. Whatever might have been the despotism of that Prince, the circumstance evidently proves that the institutions of Rollo, and the security they afforded to private property must have taken deep root indeed among the Normans, to have thus returned into their natural course on the death of the oppressor.

Not thus the land appear'd in ages past,
 A dreary desert and a gloomy waste,
 To savage beasts and savage laws a prey,
 And Kings more furious and severe than they ;
 Who claim'd the skies, dispeopled air and floods ;
 The lonely lords of empty wilds and woods ;
 Cities laid waste, they storm'd the dens and caves,
 (For wiser brutes were backward to be slaves.)
 What could be free, when lawless beasts obey'd,
 And e'en the elements a tyrant sway'd ?
 In vain kind seasons swell'd the teeming grain,
 Soft show'rs distill'd, and suns grew warm in vain :
 The swain with tears his frustrate labour yields,
 And famish'd dies amidst his ripen'd fields.
 What wonder then, a beast or subject slain
 Were equal crimes in a despotic reign ?
 Both doom'd alike, for sportive tyrants bled ;
 But while the subject starv'd, the beast was fed.
 Proud Nimrod first the bloody chace began.
 A mighty hunter, and his prey was man :
 Our haughty Norman boasts that barb'rous name,
 And makes his trembling slaves the royal game.

The field's are ravish'd from th'industrious swains,
 From men their cities, and from gods their fanes :
 The levell'd towns with weeds lie cover'd o'er ;
 The hollow winds thro' naked temples roar ;
 Round broken columns clasping ivy twin'd ;
 O'er heaps of ruin stalk'd the stately hind ;
 The fox obscene to gaping tombs retires,
 And savage howlings fill the sacred quires.
 Aw'd by his nobles, by his commons curst,
 Th'oppressor rul'd tyrannic where he durst,
 Stretch'd o'er the poor and church his iron rod,
 And serv'd alike his vassals and his God.
 Whom e'en the Saxon spar'd, and bloody Dane,
 The wanton victims of his sport remain.
 But see, the man, who spacious regions gave
 A waste for beasts, himself deny'd a grave !
 Stretch'd on the lawn his second hope survey,
 At once the chaser, and at once the prey :
 Lo Rufus, tugging at the deadly dart,
 Bleeds in the forest like a wounded hart.

Note 22, p. 12.

Mr. Falle is unhappy in the use of the word *subjection*, and inconsistent with what he says of the conquering side at page 16. The term *connection* would be more accurate, and with that small alteration, there is no heart throughout the Norman Isles, but most fervently responds to the loyal and patriotic wish of our pious historian.

Note 23, p. 14.

The same event is recorded in a quotation from an ancient MS. It bears internal marks of being authentic, though, I must be candid to say, that I am unacquainted with the name of its author. It must be observed that it attributes this expedition to Richard the II, the father of Queen Emma, and leaves the same uncertainty as to which of the Islands this fleet was driven by stress of weather, (*Grenewise*.) From the relative situation of the ports of Normandy with respect to the Islands, I should be inclined to think that it was Guernsey, as according to M. Manet, the neighbouring town and harbour of Granville did not then exist. There is also a difference in the dates, as if the expedition happened under Richard II, it must have been some years sooner. Hume, in his reign of Canute, mentions this expedition as having taken place under Richard II; but he is mistaken in saying that Queen Emma was the sister of Richard I, who died in 996 after a reign of 54 years, which would have made her at least 80 years of age at the time of her marriage with Canute about 1020. The Norman conquest happened in 1067, say 45 years since that expedition. But as the united reigns of Richard III, Robert II and William occupy a space of 40 years at least before that conquest, it would follow that the

expedition to restore the Saxon prince Edward, could not have been undertaken more than 4 or 5 years at most before the death of Richard II. If it was to be assigned to Robert II during his eight years' reign, it would bring it down almost to the end of that of Canute, a circumstance in the highest degree improbable. We subjoin the quotation from the MS. already referred to, which agrees with Hume's account, and leaves little doubt that the authority of Gemellus Gemmeticensis is inaccurate. The difficulty might be reconciled on the supposition that Robert then heir apparent to the Duchy had the command of the fleet in the absence of the aged Duke Richard II.

“ *Duces Normannorum.*

“ Rollo qui est Robertus Rufus xxx annos dux fuit.

“ Willielmus, Filius ejus xxv annos.

“ Ricardus Senior LIII annos.

“ Ricardus Secundus xxx annos.

“ Ricardus Tertius i anno.

“ Robertus Frater ejus VIII.

“ Willielmus Conquestos xxx annos ; post xxi annos

“ Fuit Rex Anglorum.

“ Ricardus Secundus, filius Ricardi Senioris, cupiens Edwardum in regnum restituere Anglorum, cum classe portu egressus vento flante adverso, apud Insulam Grenewise, diu detentus, Normanniam revertitur.”

Note 24, p. 16.

If we substitute the date 1835 to 1731 in Mr. Falle's note, we shall find that the Channel Islands have now been separated 923 years from France, our British connection since the battle of Hastings in 1066 is now of almost 766 years standing, and that since King John lost his Norman dominions in 1203, these Islands have existed unconnected, and generally in a state of hostility with the neighbouring Continent for 632 years, they have under British protection, retained their nationality, together with their constitution, their language, their usages and customs. It would be difficult to account for this excessive duration on any common principles ; but be that as it may, we cannot be too thankful to a gracious Providence which has thus preserved us and our ancestors from having suffered all the miseries arising from that despotism and anarchy, which would have been the result of our incorporation with the French Monarchy.

Note 25, p. 17.

The Channel Islands were not only as Mr. Falle says *on the conquering side*, but as the inhabitants were naturally attached to their own institutions, it could neither be the wish nor the interest of their Sovereigns to operate any change in them.

Note 26, p. 17.

Mr. Falle unintentionally passes a severe censure on the Government of Charles the II, for the unworthy treatment they suffered to be shown to the remains of Oliver Cromwell. They had the cowardice to violate the ashes of a man when dead, at whose presence, when living, they would have trembled.

Note 27, p. 25.

Tradition and the local appearance of the neighbourhood of Elizabeth Castle confirm the supposition "That all betwixt the Castle and the Town was once dry land." At what period that precisely happened, it is now impossible to ascertain. We would strongly recommend such of our readers as might wish to examine the subject more minutely to read the learned Abbé Mauret's Treatise on the Encroachments of the Sea in St. Michael's Bay,—(*Saint Malo*, 1829.)

The subsequent observations of our Historian on the Abbey of St. Helier require some explanation. It appears from a Record of the Pleas held in Jersey, the 2d of Edward II, (1308) by the Justices Itinerant, de Fresingfield, de Barentin, and de Ditton, that the Abbot of Cherbourg was summoned to establish his title to his possessions in Jersey. Whereupon he exhibited two Grants of Henry II, by the former of which that Monarch had endowed the Abbey of St. Helier with the Mill of St. Helier, with its suit and service (*resséantise*) with the advowson of the Church of Trinity and with the marsh of St. Helier. The Grant is dated Chester, but without the year or the day of the month. It would however seem that this Grant was made previously to the deliverance of the Empress Maud from the perils of shipwreck and the foundation of the Abbey of Cherbourg. The latter Grant has no date whatever, but states in substance that by the advice of Rotthredus, the then late Archbishop of Rouen, that the Revenues of the Abbey of St. Helier and of St. Mary of Cherbourg were insufficient to maintain two regular communities, he had united them and ordered that Cherbourg should be the principal seat of the Abbey. The Canons were of the order of St. Justin, according to the statutes of Victor of Paris. It was further ordered, that five Canons, at least, should be maintained in the Priory of St. Helier, where they were to live regularly under the superintendance of the Abbot of St. Mary's Cherbourg. This latter deed is attested by William, Archbishop of Rouen.

The Abbey of St. Helier unless it had revenues out of the Island was but slenderly endowed, nor is it obvious how it could be three times richer than that of Cherbourg. The property which the Abbot was summoned to account for before the Justices Itinerant, was a Yearly rent of 201 livres tournois, 36 quarters of wheat rent, twenty hens, three capons, and 100 eggs, with appurtenances in the Parish of St. Lawrence. Add to this a small hearth money from each of the tenants in the Parish of St. Helier, as well as the casualty of wrecks.

It is not evident what is meant by the Marsh of St. Helier, but as it is mentioned in connection with the town mill, I should apprehend, that it must have been the meadows between the mill and the sea shore, part of which meadows form the site of the present town of St. Helier, and such parts of the beach, if any, as might have been dry land under Henry II.

Note 28, p. 27.

The Channel Islands were of little importance at that early period, nor could their value be discovered till some centuries after when England had become a commercial country. Their trade, if it can go by that name,

consisted in a fishery of conger eels, and exporting them to the continent. It was then thought of so much consequence that the XX Article of King John's Charter is on that subject. "*Eodem tempore salicio congrorum constituta fuit inter Festum Sancti Michaelis et Pasche, quam Ballivi Domini Regis posuerunt ad firmam sicut expiscationem. Et salicio primò facta fuit et constituta pro piscatoribus, qui piscem detulerunt inimicis Domini Regis.*" That is, "at the same time the salting of congers was appointed to be between the Festival of Michaelmas and Easter, which the Bailliffs of our Lord the King farmed out as being a Fishery. And this regulation for the salting of congers was first made on account of the fishermen, who carried fish to the enemies of our Lord the King." Dr. Shebbeare in his History of Jersey, Vol. I, page 80, mentions the same circumstance without quoting the article.

Note 29, p. 37.

It is remarkable that when Magna Charta was extorted by force of arms from the most degraded of Monarchs, the principle of gratitude obtained from him the same concessions for these Islands. The Charter of King John, as it still exists modified by time and circumstances, is the palladium of their liberties, and if ever infringed to make them coalesce into a closer union with the parent state, it would be fatal to that prosperity which they have gradually acquired. What were the fortifications which King John raised in Jersey I know not. On referring to an official account of the feudal services which the Islanders owed to Henry III in 1248, and which evidently represented them as they had been in the late reigns before the loss of Normandy, the 9th article contains these remarkable expressions:— "*Sed tempore illo castella non fuerunt in Insulis.*" There was then a time since the establishment of the Norman Government, that castles did not exist in the Islands, a fact which seems at once to overthrow the popular tradition that Gouray Castle, better known under the name of Mount-Orgueil, was either built by Julius or some other of the Cæsars. The article in question refers to the owners of certain estates, who were bound by their tenures to have the custody of prisoners. Something of the kind still exists at trials for felonies.—But more of this in another place.

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Note 30, p. 39.

*Nam genus, et proavos, et quæ non fecimus ipsi,
Vix ea nostra voco.*

It is thus that a Roman Poet very justly says. But if any man may be proud of his race, it is that of being sprung from brave and virtuous ancestors, whose names linked with the history of their country, are rementioned with gratitude by the latest posterity. The De Carterets prevented this Island from being conquered by France during the wars of the houses of York and Lancaster, and it was one of that family who surrendered Elizabeth Castle in 1652 to the Parliamentarians,—the last fortress that held out for Charles II. When George III was at Weymouth in 1806, the late excellent Sir Philip Carteret Silvester was then an officer on board of a vessel which was honoured by a Royal visit. He was presented to the Monarch, who turning round to Queen Charlotte, observed: "*This young man belongs to one of the most ancient and most loyal families in my Dominions.*"

Note 31, p. 39.

After the Normans had been conquered by France, it was natural that they would coalesce with that country in a very short time. The loyalty of the Channel Islands went no doubt a great way to preserve them from subjugation, but they were then of so little value, and the Kings of France had then so many other objects of aggrandisement in view, that it is highly improbable any of the early efforts to reduce them were made on a large scale. The Islands would have scarcely brought any accession of revenue, nor would their occupation have rendered the possession of the neighbouring provinces of the continent more secure to that monarchy.

Note 32, p. 40.

In civil matters, this Island has no connection with Hampshire, or with any other English County; but in ecclesiastical, though annexed to the Diocese of Winchester, the chief part of which is in Hampshire, it is under certain limitations, as we shall have occasion to observe in another place. The trade of the Islands with Southampton is of ancient date. Thomas Overay one of our best Governors, and Vincent Tehy one of the Founders of St. Manelier's Free Grammar School, had been both Merchants of Southampton (See pp. 129 & 262). There is a circumstance, so honourable to the States of this Island and to the Corporation of Southampton that it would not have been omitted had it been known by our historian. During the plague which desolated England in 1605, the States had granted some relief to Southampton, for which they received the thanks of its Corporation. We quote the act of the States: "Une certaine Lettre myssive envoyée de la part de nos voisins et amys Messieurs les Bourgeois de la ville de Southampton, contenant ung remerciement et recongnaisance de quelque subvention qui leur fut faite par le Corps des Estats de ceste Isle de Jersey durant leur affliction de la maladie pestiférée, Ha esté lue, et bien entendue. Et d'autant que par icelle iceux Bourgeois ne se trouvent iugrats, mais s'obligent à nous faire la pareille, comme à leurs voisins l'occasion s'offrant: Il est trouvé expédient, que ladite Lettre soit deubment gardée pour ung mémoire d'amitié et de charité d'ainsy faire à la postérité future." (Etats, I Livre, 8 Avril, 1607.)

Note 33, p. 41.

During the late war with France, it was the intention of the States of Jersey to have provided, in case of an attack from the French, for the widows and orphans of the slain, by means of a general rate. Happily it was not necessary, as in a country where the population *en masse*, have to repel an invader, it might suffer very severely, if the conflict was either prolonged or obstinate.

Note 34, p. 42.

The substance of Mr. Falle's quotation from an Order of the 22nd. of the reign of Edward I is that to reward Rannphus Maret, a priest who had suffered many and severe losses during an invasion of the Island by the enemy, the King had presented him to the living of St.-Helier, which had lately become vacant.—Mr. Falle is not mistaken about the zeal and loyalty of the clergy

of this Island. During the attack on the Island by the French in 1779, the late Revd. Mr. Du Parcq, then Rector of St.-Ouen, was particularly active, and on the 6th, of January 1781, when the Lieutenant Governor Corbet had actually capitulated, the Rev. Francis Le Couteur, then Rector of St. Martin, was highly instrumental by his example and presence of mind to procure the retaking of a fort at La Platte Roque, Grouville, which had been occupied by a French detachment. A few hours after this, the enemy surrendered, but not before Major Pierson had fallen in the moment of victory.

The Rev. Francis Le Couteur was a worthy and talented man, and died universally regretted by his countrymen in 1808. He was too disinterested to have claimed any reward, and unlike the Raulphus Maret, of our historian, he did not obtain any spontaneous recompense from the government of his country.

Note 35. p. 42.

It seems that those *Quo Warrantos* formed a principal part of the proceedings of the Justices Itinerant, who occasionally repaired to the Channel Islands from the reign of Henry III, when the recovery of Normandy had become hopeless, till that of Edward III. No man could be sure of his freehold, when as we have seen in Note 27, that the Abbot of Cherbourg was called upon to establish his right to some property, which had been held by his monastery under a Royal Grant for about 150 years. No prescription could avail against the unjust claims of the Crown. If however the proprietor established his right, he was still liable to be annoyed by a ruinous and vexatious appeal to the English Courts. This grievance though often resisted, was at length finally abolished by an Order of Council of June 22nd. 1565. That Order is justly considered to form one of the most valuable privileges of the inhabitants.

Note 36, p. 43.

A Latin document of the reign of Henry VIII describes the possessions of the Barentines as having consisted of the Manors of Rozel, Saumarés, and Longueville, and of the fees of little Rozel, and Des Augrès.

That property was then held as follows,

Rozel.....by Perin, at present by Ph. Rl. Lemprière, Esq.
 Saumarés,..... by Dumaresq,..... James Hammond, Esq.
 Longueville,by Nicolle,..... Philip Burrard, Esq.
 Little Rozel,.....by Perin,..... Ph. Rl. Lemprière, Esq.
 Des Augrès,..... Lemprière, son of Raoul, John De Veulle, Esq.

Another Drogo de Barentin was one of the Justices Itinerant in 1308, whose name also appears the first among the Seigneurs who made then their feudal appearance at that Assize. Renaud De Carteret, who succeeded the last Drogo de Barentin, was Seigneur of St. Ouen. That Seignory was held by his predecessor Philip de Carteret by two parts of a Knight's fee, as appears from a Record in the Exchequer of the reign of Edward II. "*Et debet tempore guerre se tertium equitem cum equis ad arma deservire Domino Regi, per spacium duarum partium XL dierum, i. e.* That he was bound to serve the King in time of war with two other horsemen for two thirds of

the space of forty days. Drogo de Barentin had probably been invested with the chief command on account of his extensive possessions, and the large contingent, which he was bound to supply for the defence of the country.

Note 37, p. 46.

Charles, surnamed *le mauvais*, King of Navarre, of the House of Evreux He was grand son of Louis Hutin, King of France, by his mother, and consequently one degree nearer to that Crown than Edward III, who was but the sister's son of that King. The Castle of Navarre near Evreux, subsequently given to the Duchy of Bouillon, by Louis XIV, in exchange for the Town of Sedan, derived its name from that ancient connection with the Kingdom of Navarre. The Empress Josephine died there in 1814.

Note 38, p. 55.

The Account of the taking of Mount-Orgueil Castle, and of the few years during which the Eastern part of the Island was held by the Count de Maulevrier, is to be found in the MS. Chronicles of Jersey, published in Guernsey, in 1832, Chapters IV & V, to which we refer our readers. There is also another account of the same event, supposed to be derived from the ancient MSS. of the Lords of St. Ouen, which is the same in substance, though it differs in a few particulars. "De Insula de Jersey per comitem
" de Maulevrier captâ.—Anno MCCCCLXI, captum fuit castrum Insulæ
" de Jersey per quendam Capitaneum Regis Franciæ vocatum Flocquet, qui
" illud emerat, (ut fertur,) a Guilleto de Sancto Martino, Radulpho, Guidone
" et Johanne de Sancto Martino, fratribus, qui tunc erant in maximo favore
" cum Johanne Nanfan, tunc Capitaneo Insulæ et castri prædicti. Et
" captum fuit illud castrum ad usum Domini Petri de Brésé, Comititis de
" Maulevrier, et de Brisac, qui tenendo ad expeditionem Montis Lery, illud
" commisit Domino de Surdevalle, Johanni de Carbonel, Domino Ceruciarum
" et Surdevallis genero suo.

" Nota quod Anno Domini MCCCCLXVII, 17^o die Maii, Richardus
" Harleston, vallettus de Corona sub Edwardo IV obsedit Dominum Johannem
" Carbonel in suo Castro Montis Superbiæ, in Insula Jersey. Et in ea
" obsidione in Vigilia Corporis Christi, in quodam insultu, Reginaldus
" Lempriere, Dominus de Rosello interfectus fuit, Duravit obsidio XIX
" hebdomadas."

Thus, translated in English:—"In the year 1461, the Castle of the
" Island of Jersey was taken by a certain Captain of the King of France,
" of the name of Flocquet, who had bought it, as it is said, from four
" brothers, Guillot, Ralph, Guy, and John de St.-Martin, who were then
" in the highest favour with John Nanfan the then Captain of that Island
" and Castle. And that Castle was surrendered for the use of Peter de
" Brésé, Count of Maulevrier and Brisac, who being then employed on the
" expedition of Montlhery, gave the command of it to his son in law John
" de Carbonel, Seigneur of Ceruces and Surdeval.

" Note that in the Year 1467, the 17th day of May, Richard Harliston,
" Yeoman of the Crown, under Edward IV, besieged John Carbonel, in his
" Castle of Mount-Orgueil, in the Island of Jersey. Reginald Lempriere

“ Seigneur of Rosel, was slain in an assault during that siege on the eve of Corpus Christi day. The siege lasted nineteen weeks.”

John Nanfan, Esquire, was after the death of Humphrey, duke of Gloucester, appointed Warden and Governor of the Isles, by Henry VI, in 1453, for five years and a half, which was afterwards renewed for a term of ten years. He seems to have farmed his Office of Warden of the Isles from the Exchequer; a custom which continued till the government of Sir Thomas Jermyn, during the reign of Charles I. (See pp. 132 and 137.)

According to the *Chroniques*, Chap. IV. Nanfan was surprized in his bed by Maulevrier.—In the modern affair of 1781, the then Lieutenant-Governor, Major Corbet, was also surprized in his bed, when he signed a capitulation to surrender the Island. A striking coincidence, that the only two times that the Island has been in the power of the enemy in the course of six hundred years, it has been either owing to the supineness or the treachery of its Governors, and that in both instances, the recovery of the same has been mostly owing under Providence to the courage and patriotism of the Inhabitants.

Michael Lemprière, a very able man, who was Bailly of Jersey under Cromwell, thus mentions Captain Flocquet's affair in a MS. Treatise which he wrote against the celebrated William Prynne. “ Their (the Islanders) large immunities and priviledges granted unto them by the Kings and Queens of England, being free and more priviledged than the English subjects themselves, will testifie their valour and fidelitie; remayning faithfull to the Kingdome of England, notwithstanding the revolt of Normandy in King John's time, whereof this was an appendice; regayned their Castle which had bene surprized severall times by strangers, through negligence, and sometimes treachery of their English Governors; particularly, when Captain Flocquet surprized Mount-Orgueil Castell, from the French, in King Edward the Fourth's reign. The Islanders kept the Island eight years against the ennemy, and at the last regained the said Castell at their own cost and charge; helped alsoe to reguine Castell Cornet at Guernsey.”—

Note 39, p. 55.

Maulevrier granted the Island a Charter in 23 Articles. (*Chroniques*, Chap. IV, p. 12.) It is in substance the same as that of King John, with a few modifications, which show that that Nobleman wished by kind usage to induce the inhabitants to transfer their allegiance from their former Sovereign to the King of France. It is also a striking coincidence that after the reduction of the Island by the Parliamentarians in 1651, notwithstanding the excesses committed by a victorious and enraged soldiery, and the heavy losses experienced by several loyal individuals for their fidelity, Cromwell allowed the Island to remain in the undisturbed possession of its privileges. Maulevrier however, abridged the power of the people in the election of their magistrates (*Article 13*), and Cromwell did something of the kind afterwards when he nominated a new set of Jurats by an Order of Council of the 28th of February, 1655. “ We have thought it necessary (*for this time only*) after the late troubles and divi-

“ sions, which have been among us, wherein things have been much
 “ unsettled, and for preventing any inconveniences which may ensue in
 “ case disaffected persons should get into that trust, to recommend unto
 “ you those gentlemen named in the Schedull, with our earnest desire
 “ that they be forthwith sworne Jurats of our said Isle.” Conquerors and ty-
 rants always dread the expression of the sense of a free and loyal people !
 Nicholas Moriu, whose estate in St.-Saviour’s parish still goes by the name of
Le Morin, and which was long held by the Dumaresq’s family, was Bailly of
 Jersey under Maulevrier. There is a deed still remaining in the hands of
 Mrs. Symonds, of Trinity Manor, from which it appears that one *James de St.*
Martin purchased a quarter of wheat rent for 15 crowns, 18 sous *tournois*.
 It is dated the 10th of September, 1465, and was executed at St. Helier,
 before Nicholas Morin, Bailly, and John Poingdestre, John Le Loreur, and
 William de la Roque, Jurats. It shews that title deeds were then drawn
 up in Jersey nearly in the same manner as they are at this day. It is
 remarkable that the first idea of a public Register of all title deeds for
 the sale and transfer of property in the Island, but which was not carried
 into effect, till 1601, is to be found in the 12th and 17th Articles of that
 Charter.

Note 40, p. 58.

Those several Charters are on the whole but repetitions of each other, as
 they happened to be confirmed by each successive Sovereign at his accession,
 except on any particular occasion, as the above, when the clause about
 the retaking of Mount-Orgueil Castle was introduced in the Charter.
 Something of the kind is also to be found in the Charter of Charles II,
 where the gift of the mace is mentioned, and a compliment paid to the
 loyalty of the Inhabitants, who had merited such a special mark of
 the Royal favour.

Note 41, p. 58.

Sir Richard Harliston, derived his name from the town of Harliston, in Nor-
 folk. He was a brave man, and his conduct in the recovery of the Castle of
 Mount-Orgueil, as narrated by Mr. Falle and by the Jersey Chronicler, was
 highly meritorious. (Chap. V, VI, & VII.) The Royal Patent which appoin-
 ted Harliston Governor, is expressed in the most flattering terms.—“*Sciatis*
quod cum Nos tertio decimo die Januarii ultimo preterito non solum ob bona
vera et acceptabilia servitia, que dilectus Nobis Richardus Harlestou, unus
valettorum nostrorum de Corona Nobis impenderat, et extunc impendere non
desistebat; verum etiam qualiter, ipse Insulam nostram de Jersey a manibus
inimicorum nostrorum Francorum, ad nostram obedientiam tunc reduxerat et
recuperavit, atque ipsius Richardi magna pericula, labores, impensas, et onera,
intimè considerantes, per Litteras Nostras Patentes de gratia nostra speciali;
ac ex certa scientia et mero motu nostris, concessimus prefato Ricardo officium
Custodis, Gubernatoris et Capitanei Insule nostre predicte, ac Castri nostri
de Gourey, alias dictis Castri de Mont-Orgeuil in eadem Insula, ac ipsum Ri-
chardum Custodem, Gubernatorem et Capitaneum eorundem Insule et Castri,
constituerimus, &c.”

The following is a translation.—Know ye, that We on the 13th. day of January last, not only on account of the good, true, and acceptable services which our beloved Richard Harleston, one of the Yeomen of the Crown, has rendered us, and still continues to render us, but also particularly considering how he brought back to our obedience and recovered our Island of Jersey from the hands of our enemies the French, and the great dangers, labours, expenses, and burdens of the said Richard therein, have granted to him the aforesaid Richard out of our special grace, and from our certain knowledge, and our own inclination, the Office of Warden, Governor, and Captain of the aforesaid Island and of our Castle of Gourey, otherwise called Mount-Orgueil Castle, in the same Island, and appointed him the said Richard, Warden, Governor and Captain of the same the Island and Castle, &c.

That instrument is of the XIII of Edward IV, (1473), or not long after he had obtained the quiet possession of the Crown by the decisive battle of Tewkesbury, in 1471. Four years afterwards, 1477, the XVII of the same reign, Harleston's brother, William Hareby, was associated with him in his Office of Governor.

It appears from an original Grant of Sir Richard Harleston, dated Sept. 15th 1479, now in the possession of Mrs. Symonds, of Trinity Manor, that he gave corn and money rents, the former to the amount of 8qrs 7cab. 2s. and the latter to 12 groats, 13sous, 6 deniers, to Perrotine Famget, relict of Philip Johan, of Guernsey, for the services he had rendered during the siege for the recovery of Mount-Orgueil Castle, from the Count de Maulevrier. This fact, so honourable to the Island and to Harleston, is not mentioned by any of our historians, or rather Chroniclers.

It is impossible to know whether Philip de Carteret ever obtained any reward from the Crown. His son married the only daughter and heiress of Harleston, the same Lady who was afterwards the interesting mother of twenty sons, the heroine of the Jersey Chronicler, whose history though perhaps a little embellished, has every appearance of being substantially true. The career of Harleston was exposed to great vicissitudes. We shall resume this subject and that of his virtuous daughter in the Note 121. p. 139.

Note 42, p. 60.

This alludes to a singular interruption caused by Sir Hugh Vaughan in the regular administration of Justice, by threatening the Bailly, Helier de Carteret, that he would run him through with his sword, if he and the Jurats did not decide in his favour. The firmness of the Bailly prevailed, and the Governor lost his cause. The whole of that curious circumstance is related in the 15th Chapter of the Jersey Chronicles pp. 43—45.

The reader may not be sorry to know that the Governor and the Bailly had then separate and opposite personal interests in the matter before the Court. It seems from Note 38, that four brothers of the name of Guillot, Ralph, Guy, and John *de Saint-Martin* had been accused of having sold Mount-Orgueil Castle to one Flocquet, an officer of Count Maulevrier in 1461, and that by an inquisition of Sept. 18, 1515, returned in Chancery, it had appeared that *Thomas de St. Martin* had died possessed of the Fief of

Trinity, which had descended to his nephew Drouet Lemprière, the husband of Mabel de Carteret, the Bailly's sister.—The Governor was interested to get the confiscation of the Fief of Trinity for the Crown, whose grantee he was, and the Bailly would naturally wish to defend the property of his brother-in-law. It is impossible to ascertain whether the four brothers *de St. Martin* were guilty or not of the treason imputed to them; but there is nothing to show that *Thomas de St. Martin*, the last of his name, who held that estate, had inherited it from any of the four brothers, who probably were no more than the mere retainers of John Naufan, the Governor residing in Mount-Orgueil Castle. It is however a remarkable feature of the injustice and tyranny under which this Island laboured under Henry VIII, that the estate of any individual should have been in danger of confiscation for an alleged treason committed by his ancestors half a century before, and which had never been prosecuted before.

Note 43, p. 62.

The name of *Helier de la Roque* often occurs in the proceedings of the Royal Court of his time. He was Lieutenant-Bailly to *Helier de Carteret*, and acted repeatedly as such under Edward VI. (See Act of the Court 21 August, 1548.) According to the Jersey Chronicler, the name of the priest who thus fell in the defence of his country was *Sire Michel Vaudin*. The word *Sire* is always prefixed in our ancient Records to the name of an ecclesiastic, something like that of *Reverend* in our days.

Note 44, p. 66.

This must not be understood too literally. During that period of almost Seventy years, the Island had little to fear from France, but had frequent cause of alarm from the Spanish monarchy which was then in all its power, and possessed the Netherlands. On the other hand it was harassed and tyrannised under the arbitrary rule of the three Governors Paulet, who held the office from 1551 till 1597. The reign of James I was mostly spent in local dissensions, civil and ecclesiastical, between the inhabitants and the then Governor Sir John Peyton. It must however be thankfully acknowledged that the one ended in conformity to the Church of England, and the other in the confirmation and establishment of the privileges of the Island, as they have existed ever since.

Note 45, p. 67.

It is not generally attended to that no wars of any consequence or duration between France & England occurred from the accession of Edward IV in 1461, till after the Revolution of 1688, a space of almost 230 years. It was during one of those short hostilities, that the French retook Calais by a *coup de main* under Queen Mary in 1557. This Island was however kept during that period in a perpetual state of alarm, not only when England was actually at war with either France or Spain, but from the effect of those unaccountable rumours of war, for which we can find no foundation in the general history of the times. When Dr. Heylin visited us in 1629, and during the whole of the administra-

tion of the Cardinal de Richelieu, this minister had higher objects of policy in view than the conquest of the Channel Islands. We have before us three Acts of the States of July 6, 1605, April 12, 1606 and of October 13, 1614. We quote the second of those Acts as an instance of the extraordinary sensation which the prospect of war excited among our ancestors.

“Estats, 12 April, 1606.—Monsieur M. George Poulet, Escuyer, Lieutenant Général de Messire Jean Peiton, Chevalier, Cappitaine et Gouverneur de ceste Isle de Jersey, ayant recen certaines directions dudit sieur Gouverneur touchant la protection et sauvegarde de tout l'Etat de ceste Isle de Jersey soubz l'obéissance de sa Majesté, contre les intelligences, surprinses, et invasions des Ennemys; ha desclaré ouvertement les poincts et articles desdites directions, en ladite Assemblée, suyvnt lesquelles, a donné advertissement, à ceux qui ont charge par les parroesses sur les armes, qu'ils ayent a regarder chacun sur sa contrée, que les armes soient préparées et fornées en leurs qualités de toutes choses nécessaires, propres et expédientes, pour s'en servir le cas s'offrant; Et pour cela, tenir les moustres; Aussi que les bolevards et beacons soient redressés et restablis sur les advenues, en leurs anciennes places: Que le guet ordinaire soit levey et posey es lieux où il appartient, pour éviter à toutes surprinses; ce qu'ils ont promys expédier le mieux qu'il leur sera possible. Quand pour le regard des Chasteaulx ont trouvé nécessaire que ledit Sieur Lieutenant adresse Monsieur le Gouverneur de pourvoir à leurs défailances, tant d'hommes, vivres, que munitions de guerre, comme estans les places et forteresses, les plus importantes pour la seure protection et deffense de toute ceste dite Isle.”

Note 46, p. 68.

Our Historian has thrown a veil over that unhappy period, but the general opinion of the loyalty of the Islanders was such, that its character could not have been injured by the statement of a few unfavourable circumstances, which when suppressed have invariably the effect of being exaggerated and of losing their reality in fiction. There is something particularly ill judged, if not disingenuous in such a proceeding, as it is the duty of an Historian to tell the whole truth, and to leave his readers to draw their inferences from the events themselves. What was formerly observed of Poggio, a Florentine, who was remarkable for the praises of his countrymen and the vituperations of their enemies, that he was a good patriot, but a bad historian, may be strictly applied to Mr. Falle. It is unpleasant to speak thus of an Author so highly respected by his countrymen, and whose veracity and honesty are in most instances unquestionable. When we shall have occasion to differ from him in this and the subsequent Notes, we shall refer to our authorities.

The Records of the Royal Court contain a great number of valuable official documents relating to the history of those times. These Records were however then badly kept, and some of them are in a very defective state. The proceedings of some Royal Commissionners who were sent by Charles I, to Jersey, to try some of the Parliamentarians, as well as the

Journals of the States, from 1615 to 1660, have long been missing, and were probably destroyed by the Parliamentary party, who prevailed in 1651, and who would not suffer documents to exist, which their political enemies had extorted for their oppression.

There is another respectable authority, whose apparent veracity and impartiality make ample amends for his inelegance and prolixity. John Chevalier was a plain good man, but rather superstitious, who lived at that period, and was an eye witness of the scenes which he describes. He was an inhabitant, and *Vingtenier* or tything man of the town of St. Helier. In other respects he was a humane man, and a moderate Royalist. His Chronicle is very voluminous, and opens with the dissensions of Dean Bandinel with the Lieutenant-Governor about a Royal Grant of the great tythes of St. Saviour's parish to the former. It is divided into three parts, the first of which is carried to the death of Sir Philip De (*) Carteret, in 1643; the second contains a Journal of Major Lydcott's government and of the sieges of the Castles, and includes a space of scarcely Three months. The last is the most voluminous, and contains a minute narrative of the administration of Sir George De Carteret, which lasted eight years, during which he governed the Island with unlimited power, and almost independent of his Sovereign, whom he sheltered twice in his distress, and rendered this place an asylum, where great numbers of English exiles resorted, whom those calamitous times had driven from their homes, while his privateers made him the terror of the neighbouring seas. It was the intention of Chevalier to have continued his Chronicle to the Evacuation of Elizabeth-Castle, by Sir George De Carteret, on the 16th of December 1651. (*See his Chronicle, 1 Part, Sect. 17.*)

The copy which we have examined, is left unfinished in 1650, a little after the second departure of Charles II, from Jersey. It were to be wished that the original for 1651 existed, as it would throw a great deal of light on the most interesting year of that critical period.

The celebrated William Prynne had been confined, for some years, as a state prisoner, in Mount-Orgueil castle, till he was released by an Order of the House of Commons in 1640. During that season of calamity he contracted an intimacy with Sir Philip De Carteret, who as Lieutenant Governor resided chiefly in that fortress. Some years afterwards, when Sir George De Carteret had recovered the Island from its temporary occupation by Major Lydcott, and when the leading Parliamentarians had been driven into exile, Prynne wrote a pamphlet intitled: *The Lyar Confounded*, in which he laboured to establish that Parliament had lost Jersey through the mismanagement of those Gentlemen; that Sir Philip De Carteret was originally well affected to the popular party, and would have secured the Island for that Assembly, had he not been forced by their violence and calumnies to declare for the King.

(*) We may observe here once for all, that in all old documents, the *de* and *le* of proper names are always in small letters.

The *Pseudo Mastix*, or *Lyar's Whip*, was written to refute Prynne, by Michael Lemprière, who, with his adherents, had been treated with much severity in his Treatise. It is uncertain whether the *Pseudo Mastix* ever appeared in print, but the Manuscript which we have consulted is of undoubted antiquity, perhaps the original itself; from its agreement with the Records and with Chevalier's Chronicle, it may be generally relied upon. The style is quaint and sometimes obscure, but its vehemence and simplicity at the same time, are very strong arguments in favour of its veracity.

The Manuscripts of Philip Le Geyt have also occasionnally a few passages which illustrate the transactions of those times. Mr. Le Geyt died at 86, in 1716. He was already grown up to manhood on the death of Charles I, and he must have known most of those circumstances, which he seems to have intentionally suppressed.

It is allowed by all authorities that the greatest part of the Islanders were decidedly loyal, and that many of them suffered severely for their invincible attachment to the cause of their Sovereigns; but it is an error to imagine that there were not many lamentable exceptions to that loyalty. The *Pseudo Mastix* will prove the contrary, which is further substantiated by authentic documents in the Records of the Island, to many of which we shall have occasion to refer in this Note, or rather Historical Sketch of Mr. Falle's intentional omissions.

During the siege of Mount-Orgueil Castle by Lydcott, in 1643, and not more than a fortnight before Captain Carteret occupied the Island, Chevalier, an impartial observer of those scenes, expresses himself thus about the political feeling of the inhabitants, in his Chronicle, II Part, Sect. 45.

“ Le peuple de l'Isle qui étoit extrêmement froid en ces sortes d'affaires, et qui n'étoit pas bien uny, car plus des deux parts tenaient pour le Roy, disoit hautement, que si le Roy envoyoit à Jersey des Forces, ils ne leveroient pas les armes contre eux.”

The quotation is so important, that we offer it in the author's own words, without even giving it a translation. This accounts for the facility with which Captain Carteret occupied the Island with an insignificant force.

The Island had been much distracted by local feuds and parties, for some years before the civil wars. Those frequent jealousies and bickerings had been excited by the extensive power, and the accumulation of offices in the person of the elder Sir Philip De Carteret and of his family.—*(See Pseudo Mastix and Chevalier.)*

That gentleman was Seigneur of St.-Ouen and had been educated at Oxford. He was a man of considerable abilities, and in point of family and fortune the first personage in Jersey. His father died early, but his mother Rachel, a daughter of the well known Bailly, George Paulet, lived to a very advanced age, and survived him. As soon as he had attained his majority in 1605, he was elected a Jurat of the Royal Court, and from that time till his death in 1643, he successfully held the chief and the most honourable offices in his country. On the death of his friend John Herault, in 1626, he was appointed Bailly of the Island, to which he added

soon after the office of Lieutenant-Governor to Sir Thomas Jermyn, which he held to the end of his life. In the Report of the Royal Commissioners Conway and Bird in 1617, he is mentioned with commendation, and soon after he was deputed by the States to negotiate with the Privy Council for the establishment of a set of Canons to bring back this Island to conformity with the Church of England. As it will appear in another part of these Notes, it was in a great measure owing to him, that that negotiation was brought to a satisfactory issue. It is commonly supposed that he supplied Heylin with nearly the whole of the information, which he acquired about Jersey during his short residence there in 1628, and which he afterwards published in his Tour.

The friendship of such a man as Prynne speaks highly in favour of the integrity and benevolence of Sir Philip, who had been able to conciliate a prisoner, who was so different from him in his political principles, and the natural austerity of whose disposition had been exasperated by civil and religious persecution.

Prynne justifies the conduct of Sir Philip in his own way, by insinuating that if left to act after his own judgement, he would have sided with the Parliament. It was very natural for him to imagine, or rather to wish, that he had brought over his friend to his own political opinions. It is however reasonable to suppose that the noble nature of Sir Philip execrated the tyranny which disgraced the former part of the reign of Charles I, and sincerely sympathised over those sufferings of his prisoner, which were so disproportioned to the nature of his offence. But it is equally improbable, that after affairs had assumed a more sombre aspect, and that he had to make his option between loyalty, or a dereliction of duty to his Sovereign, he would have felt a moment's hesitation as to what line of conduct he ought to pursue. Be it as it may in a matter, which could only have been known to Him who is the Searcher of the inmost recesses of the human heart, Sir Philip followed the most honourable and constitutional course, and closed a long public career of forty years, as a victim in the royal cause.

After the Restoration his family and friends caused a long and laboured eulogium of his conduct to be inserted in the Records of the Royal Court. (*Livre du Samedi, No. 65, Nov. 24, 1668.*) We have given that Document at the end of this Sketch.

Sir Philip, however, was not a faultless character, and throughout the whole of his long public life, there seems to have been an inordinate desire to enrich himself, and to aggrandise his family, by obtaining for them every office of trust or emolument in the country. In a limited Society like that of Jersey, it could not fail to excite a great deal of discontent, and the breaking out of the civil war in England afforded his adversaries an opportunity to endeavour to procure his ruin. Unhappily for him they succeeded as far as he was personally concerned. Twenty-two Articles were exhibited against him to the Parliament in 1642, and though some of those Articles may have been either exaggerated or false, and that a

this distance of time, it may be impossible to prove others, yet enough remain that can be substantiated from other authorities than that of the *Pseudo Mastix*, which contains a copy of those Articles. It appears from the Records that Sir Philip complained the same year of certain libellous printed Articles against him, which had been circulated in Jersey, by Henry Dumaresq, Seigneur of Saumarés, and by the two Bandinels. They pleaded not guilty, and offered to refer the matter to the King and to his *Parliament*.—*Livre du Samedi, No. 45, 24e. Septembre, 1642.*

The two Acts of the Court do not recite the Articles, but merely charge the defendants with having published a certain libel containing various articles tending to his dishonour. Certainly the imputations they contained were not only calculated to give offence, but to destroy the Lieutenant-Governor's public character.

The 5th Article charges him with intrusting "with all the chiefest places and offices those of his own name and family," &c.

A slight inspection of the Records will show that a large proportion of the members of the bench were persons of his name. In 1614 he took advantage of an insult, which he received when on the bench from Philip Maret, then King's Attorney-General, to cause his dismissal from office, so that he might secure that situation for his own brother Elias De Carteret. In 1638 he obtained the reversion of the office of Bailly, for the same Elias De Carteret, and his son, afterwards the celebrated Sir George De Carteret, at the same time that Helier De Carteret succeeded the former as Attorney-General.

The 6th Article charges him further with occupying various offices "incompatible in one person, for the indifferent administration of justice."

He was Lieutenant-Governor, Chief Magistrate, and Farmer of the Royal Revenues, which situations are now very properly deemed to be incompatible with each other, and the partial union of which, at a subsequent period, as described in the Second Volume of Shebbeare's History of Jersey, was productive of the most serious inconveniences.

The last Article is remarkable, and shows that the *eternising of offices in one family* was a very old grievance, and "that there be no reversions granted of offices, specially those of judicature" had evidently a reference to those Patents for Sir Philip's relations.

These reversions were already odious in this small, and then secluded Island, almost two hundred years before: they were after a pertinacious opposition finally abolished by the British Legislature.

This injudicious distribution of the royal patronage had a fatal effect. It excited jealousies and animosities against the De Carterets, which as soon as an opportunity offered, induced their opponents to intrigue with the Parliament, which at one time nearly alienated the Island from the Royal cause, and at another exposed it to the imminent danger of being dismembered from the British dominions.

The names of David Bandinel, Dean of Jersey, and of his son James Bandinel, are intimately connected with this intestine struggle, and their

fate was not very dissimilar to that of Sir Philip De Carteret. Our Historian, who lived so near those times, and who could not have been ignorant of the conduct and the misfortunes of those persons, seems to have intentionally consigned them to oblivion. It is impossible, at this distance, to collect more than a few scattered notices about individuals, who though possessed of some local consequence, were not sufficiently influential to be distinguished in the general history of the empire. It would have been more commendable had Mr. Falle examined the nature of the animosity they bore to the De Carterets, and left his readers to form an impartial opinion of their own. David Bandinel is said to have been an Italian, of noble extraction, and perhaps he might have been a Protestant refugee, who had fled from the intolerance and persecution of his native land. At the time of the civil war, he must have been a very old man, as his name occurs as Rector of St. Brelade in a sitting of the States of the 5th October, 1607. He became Dean of Jersey, by a Royal Patent of James I in 1620. Heylin enters fully into the subject of his appointment, and it must be owned that he gives an ample specimen of the talent of that divine for intrigue, which enabled him to triumph over his competitors. In every profession men will naturally seek their own advancement, and Bandinel did no more than what many others of more apparent sanctity and among all other sects of Christians, would not scruple to do at the present day. But it ought not to be forgotten that the circumstances are probably exaggerated, and that Sir Philip De Carteret, from whom Heylin had received his information, gave all the deepened colouring of an adversary to that transaction. As Sir Philip had none of his connections in the Church, his ambition was not directed into that Channel, and hence the two Bandinels had obtained the Rectories of St. Martin and St. Mary, which were then supposed to be the two best benefices in Jersey. The elder Bandinel had long entertained a deadly animosity against Sir Philip De Carteret, to gratify which he espoused the parliamentary party, and persecuted his victim with unchristian and unabated rancour to the brink of the grave. It is however to be feared that Sir Philip had been the aggressor in endeavouring to deprive him of the legal endowments of his deanery. We shall have occasion to speak again of those individuals, and we may just observe in this place, that the descendants of David Bandinel recovered from the effects of his overwhelming misfortunes: that several of them have been distinguished for their learning and piety, and that the Bandinels have ever since been numbered among the first families of the Island.

Calamitous times are generally productive of unusual exertions and of daring exploits. The troubles of the reign of Charles I had the same effect even in a sphere so limited as that of the Isle of Jersey. Among the men who seemed to have been born to steer the tempestuous ocean of civil discord and political intrigue, there arose in Jersey Michael Lemprière, at one time the successful rival of the De Carterets, and at another a proscribed wanderer from his home.

While we sympathise over his sufferings during an exile of eight years from 1643 to 1651, as detailed by himself in the *Pseudo Mastix* and by Chevalier, (*See p. 6 of the former, and 1 Part S. 2 of the latter*), and corroborated by the Records of Jersey, it cannot be denied that they had been in a great measure merited, and that his ambition and disloyalty, in accepting the office of Bailly from a Parliament in rebellion against his Sovereign, and who had no constitutional right to dispose of that appointment, were highly reprehensible. His cruel treatment of the elder Sir Philip De Carteret, as will appear in the following pages, will form a striking contrast with the mild benevolence and the uncompromising loyalty of that accomplished Gentleman. Such are the fatal effects of personal hatred, inflamed by political dissensions and unprincipled ambition! He was descended from an ancient and affluent family, and had been a Jurat for some years, when by virtue of his parliamentary Grant he became Chief Magistrate of Jersey on the death of Sir Philip De Carteret. He was soon after expelled from his office by Sir George De Carteret, and fled to England with several others implicated in those troubles. It was during that period of adversity, that he and his friends Dumaresq and Herault, composed the *Pseudo Mastix* in answer to some of Prynne's calumnious allegations. On his return to Jersey, after its subjugation in 1651, he resumed the office of Bailly, till the Restoration, when he lost it a second time. He survived that disgrace for some years; but from that time, neither his name nor that of his friends Dumaresq and Herault ever occurred again in the Records as being invested with any offices of trust. When he returned to Jersey in 1651, all the proceedings which had taken place against him and his adherents during the administration of Sir George De Carteret, were annulled by an Order of Parliament of the 10th of September 1645, but which had not been registered before.—*Court of Catel 4th December 1656.*

Hitherto we have considered him as a bad and ambitious man, influenced by evil passions, and reckless of the means he employed for their gratification. He was now become a Magistrate, and it does not appear that he made an improper or a vindictive use of his power, as had been done by Sir George De Carteret. Mr. Le Geyt, whose father had been a Jurat and a zealous Royalist, says but little in his Manuscripts about his judicial administration, though the inferences that might be drawn from that little, are evidently in his favour. On inspection however, the Records were better kept in his time, than they had ever been before, and it is from that date that they begin to be in any tolerable order, or to be legible without difficulty. The judgments of his Court were in general unexceptionable.

The Privileges and Charters of the Island remained untouched during the Commonwealth, and generally speaking, the form and manner of administering justice and of other official business continued to be the same as they had been under the late King. It was then that the Bailly, who was a man of ability and a native, interposed his credit to preserve the constitution of his country, and to mitigate the military despotism which Cromwell's Governors were exercising over his fellow citizens.

Surely that man could not have been destitute of integrity or patriotism, who could effect so much in favour of a subjugated people, whose protracted resistance, and still concealed hostility offered so little to abate the exasperation of their conquerors. The frequent and acrimonious mention which Dr. Shebbeare makes of him in his History of Jersey, appears to have originated in the unworthy motive of insulting his descendants at the expence of historical truth. There is very little known about the two other authors of the *Pseudo Mastix*, Henry Dumaresq and Abraham Herault, except that they were both Jurats, and had been involved in the same proscription as Michael Lemprière. The former was Seigneur of Saumarés, and the latter was an inhabitant of St. Helier, and resumed his seat on the bench on his return to Jersey, in 1651.

Sir George De Carteret is the last whom we shall have to mention, though he was undoubtedly the most successful, and the most important character in our insular history of those unhappy times. It has been usual to speak with unqualified approbation of his conduct; but the fact is that his loyalty, his courage and his success, have had the effect of casting a veil over his darker qualities, while the studied silence of the Historian, and the great number of years which have since elapsed, have effaced from memory many reprehensible transactions, which were well known while they were recent.

Little is known for certain of the early life of Sir George De Carteret. He was the nephew and son-in-law of the elder Sir Philip De Carteret, and one of the sons of Elias De Carteret, of St. Peter's, who was Attorney-General of the Island from 1614 to 1638, and whose monument with a Latin inscription, is still to be seen in the Church of that Parish. The circumstances connected with his entrance into the navy, and his subsequent progress in that profession are unknown. Family genealogies, except when they can be confirmed by authentic documents, are of little value. It has not been possible to ascertain the exact date of his birth, though it is certain that he must have been but a young man at the breaking out of the troubles, as he was a son of a younger brother, sprung from the marriage of Philip De Carteret in 1581. (See *Chroniques*, Chap. XLV.) His name first appears in a Latin Patent registered at *Héritage*, in the Royal Court, (Fol. 218, 16th. June, 1638,) when his father and himself obtained the reversion of the office of Bailly, on the resignation of that of Attorney-General by the former. Captain De Carteret (for so he was then called,) was created a Baronet according to Heylin's Peerage, the 8th May, 1645, and is said to have distinguished himself against the Turks. This must however undoubtedly mean against the Barbary pirates, as Charles I never had any war against the Ottoman Empire, and because the Records of Jersey, during the greatest part of the Seventeenth Century, are full of documents relating to the redemption of natives from captivity among those barbarians. See also Chevalier, III Part, Sect. 144, about some Jersey men whom Sir George had redeemed from slavery among the *Turks at Algiers*.

If we suppose that Sir George obtained this reversion when he became of age in 1638, it will agree with the second Article of the Charges exhi-

bited by Sir Philip De Carteret's enemies to the House of Commons in 1642, and which have been preserved in the *Pseudo Mastix*, in which he is represented as having substituted his nephew, of about 23 years of age, to govern the Island in his absence. The Authors of those Articles could have had no reason to disguise his age, in which they might have been so easily detected. These particulars would appear unimportant, were it not for Mr. Falle's observations, which he supports by a quotation from Lord Clarendon. It cannot be denied that De Carteret had great merit, but it would appear incredible in the present age, that so young a man, could have already acquired that distinguished reputation, in his profession, which would have induced a British House of Commons to offer him the second command with the rank of Vice-Admiral. Doubts may therefore be entertained about the accuracy of the two Historians, and it may be presumed that the high character here given to Sir George, was rather what he justly deserved at a subsequent period of his life, than the consequence of any thing he had yet done when he became Lieutenant-Governor of Jersey in 1643.

Sir George De Carteret was an extraordinary man, who rose in troublesome times to the highest eminence. Sprung from an ancient and honourable family in a remote part of the Empire, he had to begin the world without fortune or connections. He must however have already recommended himself by some superior merit, to have been placed by his Sovereign at the very beginning of the civil wars, in some highly responsible situations, as we shall have occasion to observe in the course of this narrative. There seems to have been a great deal of energy in his character; and to a mind capable of forming great designs, he united the courage to execute them, and the perseverance necessary to their success. There is something chivalrous, one might almost say romantic, to behold a loyal and gallant soldier posted in this small insulated spot, boldly asserting the cause of his persecuted Sovereigns; still faithful to them under every reverse of fortune and inflicting incalculable mischief on their enemies. The astonishment will still further increase, that he should have been able, with his own slender resources, and without any assistance from the English Royalists, to maintain himself there during eight years, and that it should have ultimately required the exertions of Blake, the first naval commander of that age, with a large land army, to compel him to surrender. And when obliged at last to capitulate, he managed matters with so much address, and obtained such favourable terms, that one might almost suppose, he had himself dictated the terms of capitulation to the conquerors.

The emissaries of the Parliament had prevailed in Guernsey, but had been unable to get possession of Castle Cornet, so that this fortress and the Island kept up a kind of petty warfare, and occasionally fired at each other. The garrison was supplied from Jersey during the whole of Sir George's administration, and had it not been for his seasonable assistance, the Castle would have easily fallen into the power of its assailants.

As if to add a further lustre to his splendid career, he had twice the glory to entertain his exiled Sovereign with a numerous suite, when every other part of his dominions had either raised the standard of revolt, or had been awed into submission amidst the general defection.

It was not only the good fortune of Sir George De Carteret that he was successful as a military commander, but that his conscience might have applauded him, that the cause which he had embraced was to defend the just rights of his Sovereign, and the constitution of his country. The power of Parliament can be recognised in the Channel Islands, but through the intermedium of the King, and therefore he and his uncle Sir Philip acting independently of all other motives, were perfectly right in repelling the interference of the rebellious parliament. Had it not been for the timely interference of Sir George, the parliamentary party would have prevailed, and posterity would have had to lament that so many centuries of loyalty had been marked by a momentary stain of disaffection.

There can be little doubt that his prudence and decision prevented the Island, at one part of this lamentable struggle, from falling into the hands of France, and that it was the dread of his honesty and patriotism which prevented the Governor, Lord Jermyn, afterwards Earl of St. Alban's, from selling it to that Power. There is still a family tradition, that subsequently to the year 1651, when he visited Paris, Cardinal Mazarine had him confined for a short time in the Bastille. Almost two centuries before, the desperate fortunes of Margaret of Anjou, the Queen of Henry VI, had induced her to sell the Island to the Count de Maulevrier, from whom it was rescued, as we have already seen, by one of the De Carterets; so that it was also the glory of Sir George to have rivalled his ancestor, and to have saved his country from a foreign yoke under similar circumstances of treachery. We shall resume this subject in Note 59.

The great mind of Sir George De Carteret could not be limited within such a narrow sphere of action. He became a proprietary Governor of a Province in North America, to which he gave the name of his country, and where he induced many of its natives to settle. There is still an act of the States of the 25th of September 1666, recommending emigration, as a means of relieving pauperism.

The inhabitants of Jersey had long been desirous of having a fund to build a Pier. The Royal Patent of 1668, granting them a small duty on wines and spirits for that purpose, alludes in its Preamble to an Act and Petition of the States of as far back as 1618, a copy of which still exists, though the original has been lost with the second book of the States. The building of a Pier, and the erection of a College and a House of Correction, seem to have excited the attention of Sir George De Carteret, even during the most embarrassing period of the civil wars. It appears from an Act of the States of the 5th of March, 1645, 6, and also from another Act of the 10th of December 1646, preserved by Chevalier, III Part, Sections 147 and 283, and also from Section 297, that Sir George De Carteret was fully bent upon the establishment of a House of Correction. There

can be no doubt therefore that that Patent was finally obtained by his instrumentality and influence with the government of Charles II, after the inhabitants had had already that object in view for half a century.—(See *Jersey Code of Laws*, p. 95.)

Thus far the character of Sir George was that of a hero, a patriot, and a statesman, and calculated to captivate the imagination; but candour will not permit us to suppress the truth, or prevent our animadverting with severity on some reprehensible traits in the conduct of our distinguished countryman.

He assumed at a critical moment the government of a little Island and held it for his Sovereign; but he made it during a period of violence and general calamity, the means of his subsequent aggrandisement and of the prosperity of his family. The greatest part of the history of his administration, in the tedious and prolix narrative of Chevalier, consists of uninteresting privateering expeditions, which had the effect of severely annoying the Parliamentary party and convincing them of the importance of Jersey. Dumaresq, in his Manuscript (*Chap. X.*) says that he carried off £60,000, and though that author, whose grand father Henry Dumaresq, had been an adversary of Sir George, might have been unfriendly, yet he would not have made such an assertion, had it been without any foundation. This certainly was not the loyalty of an Aristides or of a William Pitt. Chevalier says also, that Sir George made good and lawful prizes of several London vessels coming from the Mediterranean, and who knew nothing of the commencement of hostilities, and that merely because the capital had declared against the King. Such was the superstructure of a fortune which enriched its owner, and raised his descendants to the English Peerage.

Sir George after the Restoration, was made controller of the Navy, till he was involved in the disgrace of his friend Lord Clarendon, when, according to Smollett's History of England, he was dismissed from his situation for speculation.

While Lieutenant-Governor of Jersey in 1644, Sir George raised a forced loan on the inhabitants for the public service; but the following year having procured the condemnation and confiscation of the estates of Michael Lemprière and his adherents, who had fled from the Island, he applied their lands and rents to the repayment of that loan. Those who accepted of the offer, received property of an uncertain tenure, from which they were subsequently ejected after the subjugation of the Island, or else they were told that they were to wait till the King's affairs should be in a more prosperous state, which was not afterwards the case, so they lost equally their money. Hence perhaps has arisen the tradition that Charles II had borrowed money from the inhabitants, which he never repaid. On the contrary Sir George was created a baronet, and obtained a grant of Melèche, and other manors, which were parcels of the Crown Lands in Jersey, all which he afterwards secured to himself by the Capitulation of Elizabeth-Castle, on the plea, that he had been thus rewarded for his services against the Turks. The Royal revenues had formerly been more considerable, as will appear from a comparison of the King's Rent Roll or *Extent* of 1607.

with that of 1668. That diminution had taken place during the difficulties of the lavish and improvident Charles, and it is remarkable that during his residence in Elizabeth Castle, his principal adherents obtained from him some of the most eligible Royal Domains in Jersey; some of the Grants of which are still extant, and registered in the first Book of Patents.

Sir George lived during the exasperation of civil discord, and when religious toleration and forbearance were almost unknown. Though some allowances must unquestionably be made for circumstances, there still appears to have been something particularly vindictive in his nature. After he had been appointed Lieutenant-Governor of Jersey, it was to be expected that he would endeavour to bring to condign punishment those who had treated his relative and predecessor, Sir Philip De Carteret, with unheard of cruelty; but it reflects an eternal disgrace on an otherwise, brave, and loyal soldier, to have intrigued to get over such men as Poley, Vaughan and Harrison, who by virtue of a mock Royal Commission, were made to minister to his vengeance and avarice, by the indiscriminate condemnation of all his political opponents. (*Chevalier*, III Part, 55 Section.) The humble actors in those deplorable scenes experienced from him no mercy, and were stripped of their little all, till the iron hand of necessity snatched it again from the grasp of the oppressor. How different was the conduct of Michael Lemprière afterwards, who, when the loyal Islanders were prostrate at the feet of their conquerors, obtained in the shape of a pardon from Cromwell, an exemption for the small proprietors, from the payment of any compositions for their estates!

It has been observed that not more than one third of the inhabitants were ever in the interest of Parliament. It is indeed true that on Constitutional grounds, we had nothing to do with that assembly, but it is equally true that the former part of the reign of Charles I had been so arbitrary, that good and wise men might with a safe conscience appear in the cause of liberty. The subsequent devoted loyalty of the Island made ample amends for this early tendency to defection, and it is to be presumed that not one of the inhabitants would have persevered in that course, but that all would have joined unanimously in their sympathy for their unfortunate Sovereign, with the exception of a few wanderers, whom the severity of the Lieutenant-Governor had banished and deprived of their fortunes, and who perceived no prospect of ever being restored to their homes, but by apparent adherence to the victorious party.

About the time that the civil wars broke out in England, the Island of Jersey had long been agitated by internal dissensions among the principal inhabitants, for which it has been noted at every period of its history; a petty contention for power and distinction, and though on a very limited sphere, not unlike the cabals of the Grecian Republics of old, or those of the small Italian States of the middle ages. The two late reigns had witnessed the ascendancy of the Paulets, and the disputes between Sir John Peyton and the Bailly Herault, which terminated in the triumph of the latter. These had been replaced under Charles I by the family of the

De Carterets, of whom Sir Philip, of St. Ouen, was the head, a man whose talents and patriotism would have rendered him worthy of the highest station, but who had unfortunately excited the jealousy and the envy of several of his co-temporaries. These availing themselves of the opportunity of these disastrous times, sought to humble their most successful rival, and to precipitate him from his high elevation, to advance themselves by joining the party, who had taken up arms against the crown.

When the Island was brought back, after a temporary secession, during the reigns of Elizabeth and James I, to conformity with the Church of England, David Bandinel, then Rector of St. Brelade, was appointed Dean by a Royal Patent, dated 20th of January 1620, as we have had occasion to mention before. The great tythes of the Parish of St. Saviour had been withdrawn from the revenues of the Governor, and annexed to the Dean's Office. After having peaceably enjoyed it more than 20 years, Sir Philip De Carteret, who in addition to his other appointments, was also farmer of the Governor's revenues, brought an action against the Dean to deprive him of those tythes, on the plea, that the Patent of Sir Thomas Jermyu, the Governor, which contained a grant of those tythes was older than that of the Dean; but as no such Patent was produced, the Court had decided in favour of the defendant. Sir Philip appealed from this decision and procured a Warrant from Charles I to sequestrate those tythes till it could be established to whom they belonged. Sir Philip was evidently the aggressor, and highly blameable for attempting an invasion of property, whose destination had been so long secured by a Royal Patent. Had he succeeded, it would have annihilated the deaconal dignity, unless the crown had provided for it by some other endowment. The Warrant was presented to the Royal Court, the 5th of May, 1642, but as Bandinel defended himself, he obtained justice, and an Order of Council of the 8th of August, 1642, reinstated him in the enjoyment of his property. (*Chevalier I Part, Section 16, et Livre du Samedi, No. 45, 17 Sept. 1642.*)

The rankling which such an iniquitous transaction tended to excite in a haughty and vindictive bosom could not be mistaken and the indulgence of that feeling was by a kind of fatality, the indirect cause of the destruction of both those individuals, and of incalculable mischief to their country.

It was during that state of irritation that the civil war broke out in England. Sir Philip was then extremely unpopular with several of his colleagues on the bench, and Bandinel gladly availed himself of the dissatisfaction of some, and of the ambition of others, to make them the instruments to gratify his own private resentments. Michael Lempriere, Seigneur of Maufant, was the ablest, and perhaps the most ambitious of those gentlemen, while he plainly saw that the continuation of Sir Philip De Carteret's ascendancy was incompatible with his own prospects of advancement. Sir Philip was in London, at the beginning of those commotions, and according to the Pseudo Mastix was highly countenanced by Prynne; but though he might have negociated for the peace of the Island, it was not likely that he would ever have been prevailed upon to declare

against the King. His opponents from Jersey, happened to be also in London, and prepared a Petition with 22 Articles against him, to be laid before the House of Commons. These were shown to several of the members, but through Prynne's management they were not presented. They persevered however, and the Petition and Articles were presented to the Lords, who summoned Sir Philip to appear before them. He foresaw the impending storm and pretending that Jersey was in danger of being invaded by a French army from Britany, obtained permission by means of Prynne and his friends to return home, without giving in any answer to those Articles. It was thus that he escaped the machinations of his enemies, and was enabled to keep Jersey for his Sovereign. It is of this precipitate retreat that his enemies bitterly complain, and indeed it is not the least extraordinary occurrence of those extraordinary times, that it was a zealot like Prynne, who unintentionally might have saved Sir Philip from the block, and prevented the occupation of the Island by Parliament. It is impossible not to admire the ways of Providence in the surprising concatenation of human events. Had it not been for the friendship which Prynne had formed with Sir Philip during his accidental imprisonment in Jersey, it is probable, that the latter would not have been suffered to leave London, that the Island would have been secured for the Parliament, and that the brilliant and successful career of Sir George De Carteret, would have never taken place, nor the people had an opportunity of distinguishing their loyalty.

On his return to Jersey he found that those Articles had been printed, and were then circulated there by his political adversaries. Chevalier mentions, but does not give those articles at full length; but as a great part of the subsequent history is connected with them, and that they were always made the pretext to prevent any accomodation, we shall borrow them from the Pseudo Mastix. The existence of those Articles is further ascertained from 2 Acts of the *Cour du Samedi*, N. 45, September 24, 1642.

“ An Humble Information of the State of the Isle of Jersey and Grievances of the Inhabitants, 1642.

“ 1.—Shewing that the personall residence of a Governor well qualified, in a frontier place, is most requisitt for his Majestie's service and security of that Island.

“ 2.—That Sir Philip Carteret the now Deputy of Sir Thomas Jermyn hath lately in his absence substituted a Nephew of his of about 23 years of age; and the last Summer he committed the charge to his eldest son, scarce 21 years old; such young and unexperimented Commanders being well knowne to be unfitt to be putt in trust of a place of importance; and for the militia and defence of the country in soe troublesome and dangerous a time.

“ 3.—That as the case now stands, the dispensation of the residence of a Governor living in England doth not only impoverish by the exportation of the monies due unto him, out of the King's Revenues there, but besides that, it doth weaken the State, that a Lieftenant-Governor

“ out of the Isle, and of necessitie one of the best ranke, cannot perform
 “ the personall services that he oweth to the country with that attendance
 “ of men and furniture of armes as he is bound unto, but all is contracted
 “ and reduced in one only family and place. -

“ 4.—That for the avoiding sundry inconveniences and jealousies, it is
 “ the generall desire of the inhabitants, that the Deputy be a native of
 “ England or Wales, as was ordered by Henry VII upon a survey of that
 “ Isle, and a man of sufficient ability to command within and without the
 “ Castles; and to that intent that sufficiencie is expressed in all the
 “ Patents of the Governour.

“ 5.—That Sir Philip Carteret doth intrust with all the chiefest places
 “ and offices those of his owne name and family; the island consisting of
 “ 12 parishes, 7 Carterets being Captaines besides 2 Nephews, and a bro-
 “ ther-in-law, to get the whole power and disposing of the island into his
 “ owne hands.

“ 6.—That the said Knight the now Deputy, beares sundry offices,
 “ incompatible in one person for indifferent administration of justice, to
 “ be Governour, Baillif, and Farmer of the King's revenues, escheats, for-
 “ feitures, fines, and casualties, and so is judge and party at will.

“ 7.—That he procureth the nomination and election of his owne creatures
 “ and kindred for the judicature in the bench of justice, by letters and
 “ messages, when the Parishes by order of the Court are commanded to
 “ proceed to the election of a Jurate by votes.

“ 8.—That he hath opposed the free election of the ablest men, that
 “ were named by votes of the country for the bench of justice according
 “ to the privileges.

“ 9.—That he makes himself formidable by his violent and tyrannical
 “ carriage and publick threats in the seat of justice, against those Justices,
 “ or others, that cannot comply and side with his designes, and with fear-
 “ full termes to be revenged by him and his, against them and theirs, in
 “ open Court.

“ 10.—That he hath presumed of his own head to raise and impose
 “ customes unheard of on the goods imported into the Isle, against the
 “ Liberties and Charters of the Isle, namely of Henry VII.

“ 11.—That since he is deputed he hath oppressed the people, by selling
 “ at a high rate the Licences for the exportation out of England of those
 “ commodities, which are granted by Warrants and Patents, of Wools,
 “ Leather and Sea Coals, for the reliefe of the subjects, those commodities
 “ being ingrossed and raised to an excessive price to the beggaring of
 “ the country.

“ 12.—That he keeps no resident Minister for the service of God, in the
 “ Castles, as the practice hath been in the former Governours, and pres-
 “ cribed by order of the Lords; but supplieth that now and then, by desti-
 “ tuting the parishes on the Sabbath dayes.

“ 13.—That without forme of justice and judicial hearing, he hath
 “ commanded some gentlemen of the best ranke in the Isle, to appear

“ before the Lords within 40 dayes, and upon their appearance here, he
 “ hath never moved the Lords, or any prosecution at all about the cause
 “ of their appearance.

“ 14.—That with an arbitrarie power and subversion of the lawes, he
 “ doth release out of prison, without consent or Act of the Court those
 “ that are committed by sentence. And sometimes himselfe, either as
 “ Governor, or Baillie doth committ to prison against the expresse words
 “ of the priviledges, without order of the Court.

“ 15.—That he hath hitherto given no accompt in the Isle of the great
 “ summes of monies received by him out of the Exchequer or the Lord
 “ Treasurer, for 200 English souldiers billeted there for the years 1628
 “ and 1629. He being the Captaine, some small portion he hath payed,
 “ when it hath pleased him, and to great numbers nothing at all. And to
 “ get in the payement of the said monies, he tooke an acquittance of the
 “ Constables, to shew that he hath disbursed the summe out of his owne,
 “ and hath left a Bound of that which is due, in their hands ; and nobody
 “ dares undertake the prosecution of the businesse, or any grievances
 “ against him, for feare of his powerfullnesse and revenge, with the charge
 “ to be sustayned here.

“ 16.—That some contracts have been made in the Castles betwixt some
 “ prisoners there, and some of his to gett a pardon here for crimes of false
 “ coyning of French and Spanish coyne. And the said prisoners paid
 “ aforehand, to some of his owne, great summes, and for the remainder
 “ were bound in a bond left in the hand of his Porter of the Castles.

“ 17.—That against the customes, and with great discontent of the
 “ people, he hath entertayned frequently in the Castles, some Gentlemen
 “ of great quality, fled out of France, prosecuted there for high Treason ;
 “ this contrary to former injunctions, concerning strangers, not admissible
 “ in those places.

“ 18.—That he had procured of his owne head from the Lords, the
 “ alteration of some of our Lawes and Customes, without due consent of
 “ the States of the Isle.

“ 19.—That he sett an excessive price upon the wheat rents, due to His
 “ Majesty without the advice of Justice, as the former course hath beene.

“ 20.—That whereas some have beene admitted into the seate of Jus-
 “ tice without due election and votes of the Country and Jurats, and
 “ against whom there are great exceptions ; that those persons be re-
 “ moved.

“ 21.—It is humbly desired that the justice may visitt the Castles once
 “ a yeare as it hath beene formerly ordered.

“ It is further desired, (for the avoyding of eternising of offices in one
 “ family, and that all men may still supply in them), that there be no rever-
 “ sions granted of offices, specially of those of judicature in the Isle.

“ For prooffe and prosecution of the Premisses, a great part of them
 “ committed in this happy time of Parliament, and many other defec-
 “ tuosities.

“ It is humbly desired, that the Deputies named and chosen the last Summer may be sent for.”

It is impossible at this time to enter minutely into an examination of those charges, some of which were unquestionably true, the greatest part exaggerated, and a few totally false; but they derive their importance from the misfortunes which they produced to Sir Philip, and the vicissitudes which afflicted his distracted country from 1643 till the Restoration of Charles II in 1660.

Sir Philip on his return resumed the government, but as early as March 1642, the Parliamentary Party in Guernsey had prevailed over the loyal part of the inhabitants; but were unable to take Castle Cornet, into which Sir Peter Osborne, the Lieutenant-Governor, had retired. With the assistance it frequently received from Jersey, it was successfully defended to the end of the war. He now began to manifest openly his inclinations for the Royal Cause by the appointment of loyal officers in the garrison and in the militia, at the same time doing all in his power to recall the population to their duty, a part of whom were inclined to disaffection, from that fickleness of the vulgar, ever ready to be discontented with the existing authorities, and to anticipate great advantages in political changes. At the same time he prepared to resist any effort which might be made by the Parliamentarians, and proclaimed traitors all who would not join him to declare for the King. On his late return from England he had brought back with him a Commission of array, which he laid before the States on the 16th of February 1642, 3, by which all loyal subjects were required to assist him in the defence of the Island and Castles, as they were bound on their allegiance, and in obedience to his Majesty's Commands. (*Pseudo Mastix*, p. 26—28; and *Chevalier*, 1 Part, S. 19.)

It is supposed that this Commission had been transmitted to Sir Philip, to defeat the designs of the Parliament, who had then an intention to appoint the Earl of Stamford to be Governor of Jersey in the room of Sir Thomas Jermyn, who supported the Royal Cause. The Earl of Warwick was however shortly after made the Parliamentary Governor.

When Sir Philip presented this Commission to the States he called the Earl of Stamford a traitor, and after advising them and the people at large, he added that *for his part he would keep the Castles for the King*. His observations were well received, and the Commission was ordered to be registered, a copy of which has been preserved in the *Pseudo Mastix*, but the original has perished in the Second Book of the States. Within a few days of this, the Commission was publicly read in ten out of the twelve parishes, by means of such of the Captains of the parochial bands of Militia as were favourable to him, to instigate the people to oppose any Governor who might be sent by the Parliament. This was followed by a strong Act of adherence to be signed by the people, and confirmed by an oath to support the Lieutenant-Governor implicitly according to the tenor of the Royal Commission. According to the *Pseudo Mastix* the greater part of the inhabitants refused to sign it; and after making allowances for the

prejudices of the Author, it is evident that the measure did not meet with general approbation.

In the mean time, his nephew Captain George Carteret, was employed by the King to sell at St. Malo the prizes which had been captured on the Parliamentarians, with the proceeds of which he supplied the Royalists in the West of England with ammunition, and victualled the Castles of Jersey and Guernsey. Captain Carteret came to Jersey with a cargo of prize goods, which he was conveying to St. Malo, and was well received by his uncle, the Lieutenant-Governor. This excited the indignation of the parliamentarian party, and hastened the approaching crisis. Sir Philip excused himself, observing, that it was not in his power to hinder an officer who was acting under a Commission from his Majesty, and indeed that he could not blame a servant for serving his master. This state of things did not last long, the Gentlemen who had lately exhibited charges against him to Parliament renewed their solicitations, and obtained a Commission from the Committee for the defence of the Kingdom to apprehend Sir Philip De Carteret, and to bring him over to answer for his conduct before the House. His property was to be laid under sequestration and the execution of this Commission was intrusted to five of the Jurats, Francis De Carteret, Henry Dumaresq, Michael Lemprière, Benjamin Bisson, and Abraham Herault, but the first of these declined to act. They were further directed to put down all tumults and factions, which might be raised in Sir Philip's favour, and to suspend all persons from offices of trust or command who had espoused his party. The Commissioners had power to arrest and imprison all refractory persons or loyalists, if they should see cause; and lastly, all his Majesty's subjects were ordered not to obey the authority of Sir Philip any longer. (*Pseudo Mastix*, p. 35.)

A report seems to have been then industriously spread in the Island, that the Protestant Religion was in danger, and that as the Queen was a Catholic, so was the King inclined to popery. This was the principal reason which induced many well disposed but credulous inhabitants to join in the cause of disaffection. As for the chiefs, this was a mere pretence, their real motives were personal hatred and envy of Sir Philip, and the desire to aggrandise themselves by his destruction.

Soon after this Sir Philip convened the States to lay before them another Commission which he had received from the King. (*Pseudo Mastix*, p. 28.) At this meeting none of the Parliamentarian Commissioners, with the exception of Michael Lemprière, were present. Their Commission, as well as another to apprehend Sir Peter Osborne, had been transmitted to them secretly, and they only waited for an opportunity to carry it in execution. Sir Philip had been informed of the circumstance, and was on his guard against their machinations; but he did not expect that they would dare to lay hands on him, as long as he was invested with the King's authority. Sir Philip came to the Court House where the States were held, with a detachment of from 30 to 40 soldiers to guard the doors, as was then the case when the States met, a remanue of which

military parade is still observable on the first day of the Court of *Héritage*. After Sir Philip had communicated the Commission which he had received from the King, Michael Lemprière rose to say that he had also to lay before them a Commission from the Parliament, to apprehend the Lieutenant-Governor, and to send him to England to answer the charges against him. We cannot but admire the audacity and the firmness of nerve of the individual, who could thus singly present such an offensive document amidst the uproar and confusion which it naturally occasioned. The States however would not even suffer a copy of it to be read, because they would not in any manner recognise any Commission coming from the Parliament, and the more so, as they pretended, that it was not satisfactory, but must be a counterfeit Commission, and insisted for the production of the original. The scene that followed was highly outrageous and disgraceful, and the account that the Pseudo Mastix and Chevalier give of it is the same in substance. After Michael Lemprière had presented his Commission, and attempted in vain to obtain a hearing about its contents, his opponents obliged him to remain to the end of the sitting, that he might hear the Royal Commission read. Sir Philip said that the substance of that Commission to him was to keep the Island and Castles for his Majesty, to oppose all other authority, and to require them to maintain that Commission and to induce the people to declare for the King. He added besides that the Islanders had nothing to do with the Parliament, but only with the King and his Privy Council. Lemprière replied, That it was not necessary to declare themselves, but that since Sir Philip had done it so decidedly for the King, he ought to have exhibited less duplicity in his dealings. This so inflamed him, that he retorted that he was a traitor and an apostate, and commanded one of the Officers of the Court to turn him out of the Assembly as a traitor. Lemprière asked him to give him the reason why he called him a traitor. The reply was that it was for desiring a governor from the Parliament, who had since been declared to be a traitor by the King, meaning the Earl of Stamford. With unabated firmness, Michael Lemprière still insisted, that Sir Philip De Carteret should obey that Warrant for his apprehension, and justify himself before the Parliament. Lemprière then attempted to rush out of the Court House, but he was met at the entrance with the halberds and drawn swords of the soldiers pointed at his breast, and driven back by them into the Assembly. It is uncertain whether this attempt to withdraw himself was with the view of raising a force to apprehend Sir Philip, or whether it had some other motive. In the mean time a report rapidly spread out of doors that Lemprière was forcibly detained in the Court House. James Stocal, one of the Militia Colonels, rode through the parish of St. Saviour to raise the people to come to Lemprière's assistance, who was one of their fellow parishioners, while some armed detachments from the parishes of St. Clement and St. Ouen were already advancing towards St. Helier to his relief. It is to be presumed that this measure had been taken by the Commissioners, to get a large body of

people under arms, who might without difficulty overpower the detachment whom Sir Philip had stationed to guard the Court House, and apprehend him without any resistance as he came out of the States. But in the mean while his friends contrived to send a boy to inform him that the militia of some of the parishes was rising, and that some detachments of it were already on their march towards the town. As soon as he had received this intelligence, he raised the States, and made a precipitate retreat to Elizabeth Castle. Had he not taken that step, he would inevitably have been arrested by his enemies, and sent to England as they were directed to do by their Commission. From that day Sir Philip never again returned to St. Helier. As the book of the States is lost, it is not easy to ascertain dates, but this memorable sitting must have taken place about the end of March 1643. (*Pseudo Mastix & Chevalier*, 1 Part, S. 23.) Had the Parliamentary Commissioners succeeded in apprehending Sir Philip in the States, it is not probable that the Castles would have been surrendered to them; but the experiment would have been fatal to him, as he would have been sent to England, where he would have been detained as a hostage, if not doomed to perish on the scaffold.

Within a few days after, Sir Philip convened the States to meet in Elizabeth Castle, where a Petition in his favour to both Houses of Parliament was approved of with respect to the Parliamentary Commission, in which the Petitioners expressed, that he was ready to answer the charges against him to King and Parliament, but not to Parliament alone. (*Pseudo Mastix* p. 38, and *Chevalier*, 1 Part, S. 24.) Prynne was of opinion that if it had been presented, it would have had a conciliatory effect, and *would have settled the Island in quietness*. The dispatches were intrusted to one Osmond Cooke, a dependant of Mr. Prynne, and to John Le Couteur, one of Sir Philip's agents, the same person who was afterwards a Dénonciator of the Royal Court. They were however intercepted and laid before the Committee of the defence of the Kingdom, who judged the dispatches to be of a dangerous tendency, and had them suppressed. As to the messengers, they were sent to prison, from which they were however soon after released by Mr. Prynne's interest.

It was probably during this mission of Osmond Cooke that Sir Philip had formed a plan to extricate himself from the annoyance of those Articles against him. It was a Commission which was to have been empowered to hear and decide all causes and differences, which might have happened there. The plan appears to have been concerted between Sir Philip and Mr. Prynne, and was even subsequently acknowledged by the latter before the Committee of Examination. The scheme though blamed by Sir Philip's adversaries, (*Pseudo Mastix* p. 65), was practicable and constitutional, and the precedents of the Royal Commissioners of 1617 and 1618, in which Sir Philip himself had taken an active part, were fresh in the recollection of both parties. The Commissioners had been ingeniously selected to defeat the intrigues of his enemies; Mr. Prynne, Sir Peter Osborne, Lieutenant-Governor of Guernsey, and one

Captain Dorell. But the thing had been overdone, for when Osmond Cooke presented the Commission at Oxford for the Royal signature, His Majesty refused to sign it on seeing Prynne's name. Sir Philip had depended much on this scheme, for if they had acquitted him in Jersey, there would have been an end of the matter, or if found guilty, it would not have benefited the Parliamentarians, for with the Castles in his possession, he might have bidden defiance to all their efforts. (*Pseudo Mastix* p. 65.) His nephew Sir George had recourse to the same expedient two years after in procuring the Royal Commission for the profligate John Nicholas Vaughan, and his two associate Commissioners, to enable him to effect the ruin of his political adversaries.

As it is in the recollection of most of our readers, that the precedent of Le Conteur was adduced for the nomination of a third Denonciator in 1832, we shall quote what Chevalier says of that individual. "Ce même jour (12 Juillet, 1645.) Jean Le Cousteur prit serment de Dénonciateur, ce non obstant qu'il y en eut un autre du précédent, lequel ne fut point mis hors de sa place, mais continua à être Dénonciateur avec ce dernier, y ayant alors deux Dénonciateurs d'un même temps, qui étoit la première fois que cela fût fait. Monsieur le Lieutenant-Gouverneur luy fit avoir l'Office en rémunération de ce qu'il avoit été Député, pour avoir été vers sa Majesté, pour les affaires dudit Sieur Lieutenant et de l'Estat."—It is thus that as truth is always consistent, Chevalier and the *Pseudo Mastix* confirm each other, so as to leave no doubt about the true reason of the appointment of a second Denonciator. Mr. Le Geyt's account of it is not very different. Le Conteur had been employed on a delicate and dangerous service, which, if it had succeeded, Sir Philip De Carteret would have been tried by Commissioners of his own choice, and acquitted of those charges, which could not fail to have caused him a great deal of uneasiness. After the Restoration Le Conteur retained his place, but he does not seem to have been very successful in it, as he closed his long professional career by being a Bankrupt. (*See Acts of the Saturday's Court of the 16th of April, and the 9th of May, 1670, and Chevalier, III Part, S. 68.*)

We are now come to that period when matters were hastening to a crisis. The Parliamentary Commissioners were in possession of the Island, while Sir Philip De Carteret held Elizabeth Castle, and Lady De Carteret, that of Mount Orgueil for the King, in which they were besieged, or rather blockaded by their enemies. The whole of their operations amounted however to little more than an interruption of the usual communications, and occasionally exchanging a few shots. It is not the intention of this work to enter into minute particulars, which would be uninteresting to many of our readers, and have besides the effect of increasing this publication to an inconvenient size.

A calumny had been raised against Sir Philip and his nephew Captain De Carteret, that they favoured the Irish rebels, who about that time had committed the most horrible massacres on the Protestants, when in fact they had lost about 3000 Crowns in the service of Parliament against

those rebels. That was probably for losses on some contracts for supplies, or for some other trading speculations. This accusation was not however without producing its baneful effects: Sir Philip had the mortification to perceive, that it had alienated a great part of the inhabitants from him and the Royal Cause. Soon after the siege had begun, Sir Philip received a Commission from the King to make good and lawful prizes of all vessels belonging to the Parliamentary party, and about the same time he traversed the Island with a small body of horse to Mount Orgueil Castle, and returned with scarcely any molestation to his own quarters. This was the last time that he ever came out of Elizabeth Castle till his death, which happened soon after.—(*Chevalier I Part, S. 25.*)

It is here that we have to introduce an ill omened character who figured in those troubles, Peter D'Assigny, a French refugee Minister, who through Sir Philip's interest had obtained the living of St. Helier. This individual entertained a deadly hatred against his former benefactor, and being a man of intrigue and some courage, he laid aside his ministerial functions, according to Chevalier, to direct in person the operations against Elizabeth Castle. In the mean while that Castle was amply supplied with provisions by Captain De Carteret from St. Malo. D'Assigny and Bandinel had formerly been at variance, but their mutual animosity against Sir Philip, and a talent for doing evil, effected their reconciliation. The cause of D'Assigny's hatred to Sir Philip is unknown.

Francis De Carteret, of La Hague, was one of the Five Parliamentary Commissioners; but he declined to act with his colleagues, and on the whole was more disposed to obey the King than the Parliament. On the 18th of April 1643, Sir Philip addressed him an eloquent and pathetic letter, in which he deprecated the evils which impended over his country, the very anticipation of which, as he said, made his heart to bleed; that he was ready to appear before the parliament to vindicate his conduct, as soon as his Majesty would have provided for the government of the Island during his absence; that though he was not obliged to appear there by the laws or the privileges of the Island, yet that he would do it for the purchase of peace, and then, (like his illustrious co-temporary Lord Strafford had done a little before,) he added, that if nothing but the loss of his offices, or even of his life could satisfy the people, he resigned those offices into the King's hands, and submitted his life to the justice of the laws. He concluded by proposing a conference for a mutual accommodation of those unhappy dissensions. (*Chevalier I Part, S. 26*)

Such were the efforts of that able and upright man, who, if he had met with a reciprocal spirit of conciliation on the part of his adversaries, many of the evils which afterwards happened, would have been averted. We regret that its great length precludes us from publishing some of his correspondence, which was highly honourable to the head and heart of the writer, and which would plainly show that whatever might have been his individual failings, or the errors of his public career; loyalty to his princes and attachment to his country never ceased to be the predominant passions of his soul.

About this time the Lieutenant-Governor received a Royal Proclamation offering a pardon to the inhabitants, but excepting the Commissioners and the Baudinels. It was ill judged in him to order the Sheriff to proclaim it, as the exclusion of those individuals from that amnesty, would have the effect of defeating its object. It was so, for when the Sheriff tried to read it in the market-place, a riot ensued, from which the Sheriff and Sir Philip's friends were equally glad to escape.

The Commissioners encouraged the multitude to raise batteries, and to dig trenches, to secure themselves against sorties from the Castles. Sir Philip was sometimes obliged to fire at them, but he did it so reluctantly, and it was so painful to him, that he made another attempt at reconciliation, and wrote a defence of his conduct to the Royal Court, with a request that they should give it every degree of publicity. It was communicated accordingly, but the Commissioners to whom it had not been officially addressed, took care that the Court should not even condescend to return it an answer.

Sir Philip next attempted to force, or rather to intimidate the town by firing at it, and making a sally at the same time. (*June 2d. 1643.*) The experiment failed and his detachment was repulsed with some loss. It nevertheless increased the actual state of exasperation, and from that day his soldiers were no longer allowed to come out of the Castle into the Town to purchase any provisions. Notwithstanding these discouraging circumstances, Sir Philip still persevered to negotiate for peace, but without success, till at length he began to prevent all vessels from entering the harbour of St. Aubin. The Commissioners, on their part, fortified the town as well as they could, and garrisoned it with a detachment of 70 or 80 militiamen, besides keeping watch and ward throughout the different parishes. Some Parliamentary frigates having come over from Guernsey, the Commissioners directed a party of about 40 men, to seize some of the most obnoxious and influential Royalists, whom they ordered to be confined on ship board. (*Pseudo Mastix and Chevalier I Part, S. 31.*)

At last on the 18th of June an answer was returned to the proposals, which Sir Philip had made through the Royal Court, on the 8th of that month. It was signed not only by 8 Jurats, but by 8 Constables, so that it might be said to have contained the actual sense of the country. That paper, which according to Chevalier had been drawn up by Dean Baudinell, was of a most exasperating nature, and attributed all the evils which had already happened, to bad faith, and want of principle in the Lieutenant-Governor, to whom it offered no other alternative than that of appearing before the Parliament, to clear himself from the crimes and misdemeanors laid to his charge.—(*Chevalier I Part, S. 35.*)

It was therefore impossible for the parties to come to any amicable negotiation. The Parliamentary Commissioners well knew that there was no chance of securing their power, or even their personal safety but by the disgrace, or destruction of Sir Philip De Carteret; while that gentleman was equally resolved to adhere to his loyal determination never to

surrender the Island into the hands of the enemies of his Sovereign. Nor was his private interest less concerned; for the moment he would have resigned his power, there would have been no option for him, between exile and confiscation, or his appearance at the bar of the House of Commons. But at that disastrous period, it would have been like devoting himself to the scaffold, or at least to perpetual imprisonment. It is really a matter of surprise, that men of so much discrimination, as the chiefs of both parties undoubtedly were, should have so long persisted in a mockery of negotiation, which could not in any manner be attended with any favourable result.

On the 1st of July 1643, Sir Philip wrote to Mr. John Dumaesq, his Lieutenant Bailly, that he had His Majesty's Commission to suppress the factious intrigues of the Dean, David Bandinel, that he was not to be admitted to any of their meetings or deliberations, and that he charged him with high treason. He also addressed the same day a letter to the States, in answer to their communication of the 18th of June. He premised his offers of accommodation with some extremely severe, though perhaps merited animadversions on Dean Bandinel, attributing to him the late answer which had been sent to him by the States, and saying that every line of it bore the imprint of the blackness of his envenomed pen.—Here Sir Philip's noble nature gave a vent to his injured feelings by this expression of a mutual rancour; for it is madness to write thus about a powerful enemy, the only effect of which, is to render every future attempt at negotiation utterly impracticable. The terms he proposed were nearly the same in substance as the former, a desire to prevent hostilities, but an uncompromising determination not to give up the Castles except to an officer of the King's appointment. He further expressed his readiness to do all in his power to comply with the wishes of the people, and that if it was the public opinion, that he should appear before the Parliament, he would immediately comply, provided his accusers were there also, and that he had the opportunity of a fair trial. (*Chevalier 1 Part, S. 38.*)

On the 18th of July the States were convened again to deliberate about the answer to be returned to Sir Philip's proposals. That Assembly according to Chevalier presented a seeming unanimity, but it was the unanimity of public bodies in dangerous times, when they act under the influence of terror, and every member endeavours to ward off his own individual peril by a rivalry in suberviency to the existing despotism. This answer was as usual a repetition of grievances, and concluded by informing Sir Philip, that it was the general wish of the people, that he should immediately repair to England, to vindicate his administration, that in the mean time he should dismiss all the foreign soldiery, whom he had lately introduced into the country, and that he should appoint a day, when he was to surrender the Castles to the Commissioners. The Deau had drawn up this paper also, and brought it with him ready to be submitted to the States. It could have no other effect than that of still more irritating both parties against each other, and precluding the very possi-

bility of a reconciliation. Hence according to this Chronicler, if it had not been for the pen and pernicious counsels of that haughty and vindictive Churchman, Sir Philip and the Parliamentary Commissioners would have come to some equitable composition, which would have prevented most of the evils which drew their devoted country into the vortex of the calamities of the British Islands.

But another scene was now to present itself, and little remains to be recorded but the lamentable catastrophe of Sir Philip De Carteret. Grief and disappointment had by degrees depressed his manly spirit, and undermined his sinking frame. His soul was a prey to the workings of indignation, that a long life spent in the service of his King and country should be repaid with the blackest ingratitude of his fellow-citizens, while perhaps his family pride was deeply wounded at the certainty, that his enemies were endeavouring to deprive him of all his consequence, and to humble him in the dust. But above all the consciousness of the unavoidable misfortunes, which were about to fall on his country, overwhelmed him with sorrow, and accelerated his dissolution. About this time one of his sons died in Elizabeth-Castle, and it was with difficulty that he obtained permission for his tenants to come and receive the corpse outside of that fortress, to have it deposited in the family sepulchre at St. Ouen. The two Baudinels and D'Assigny still pretended that there was some deception in this, and that Sir Philip's son was not really dead, who, now that he was taken in his own snares, had recourse to every subterfuge to obtain peace and impunity. It was thus that those ecclesiastics made an unworthy and unchristian use of their influence, and persuaded the Parliamentary Commissioners to be unfeeling and inhuman. Sir Philip perceiving that he was daily becoming weaker, and that his dissolution was rapidly approaching, waved official forms, and addressed a letter directly to the Parliamentary Commissioners, a mode of communication which he had hitherto declined to adopt, and sent it to them by the Porter of the Castle. The letter was dated the 16th of August 1643, and inclosed the Royal pardon, which the Sheriff had been prevented before from proclaiming by the populace. It is the letter of a dying man, and is worth transcribing. "Gentlemen, I, having received the King's gracious pardon, embraced it with a great deal of joye, hoping that before God shall call me awaye, I should see some beginning of the quiet of those disorders of this Countrie; which seeing is not likely to prove, it being God's pleasure to call me to his mercie that I maye not see the further increase and miseries of this Countrie. I desire in your Christian charity, that you would permitt Mr. La Cloche, or any other that you will send with him, to administer unto me such comforts as are necessarie and usuall in these extremities, and that you will permitt my poor wife to come unto me, to doe me that last duty as to close up my eyes. The Lord forgive you as I doe forgive you all. I pray suffer this bearer to go to the Old Castle to fetch my wife, and send some other to Mr. La Cloche with all speed. This is the last request, I shall ever make unto you. The

Lord be mercifull to you all," &c. The Commissioners, the Dean, and D'Assigny read this letter with a great deal of pleasure, from the anticipation that the death of the Lieutenant Governor would soon enable them to get possession of the Castles. Such is the wickedness and the blindness of mortals! It would have moderated their exultation could they have read into futurity, and seen that the removal of their adversary was opening the path for the advancement of a man, the greater energy of whose character, and whose arbitrary disposition, would soon compass their own ruin.

"The Lord," said they, in their answer, "is wise in counsel and wonderful in strength." (*)—"The Lord open the eyes of your understanding, that you, (though it be late), may bewail all the misery you have brought upon this people. As for our part we heartily desire God to forgive you all that is past, washing all your sins away, by a sincere repentance, in the blood of Christ."—"You should do very well, Sir, in case God should call you to remit the custody of this Castle into the hands of this Estate to keep it for his Majesty's service." (*Chevalier, Part I, S. 49.*) Can there be a greater mockery of religion and Christian charity?

The pardon which was now officially offered, was an ill judged measure. It is not known who had procured it from the King, but it was not the amnesty which ought to have been offered by a Sovereign struggling for his crown against a powerful faction, which had then the support of many good and wise men, who still remembered the grievances of the former part of his reign. The very offer of a pardon was indignantly received by a people, who had been persuaded to believe that they had only taken up arms to expel the Lieutenant-Governor from his post, but were unconscious of having been guilty of rebellion. That curious Proclamation concluded with the threat, that His Majesty was resolved in case of their obstinacy to *resume all the Charters and Privileges formerly granted unto them, and to take the just forfeiture of their estates according to law.*

The Commissioners eagerly took advantage of this, and the politic and inveterate Dean drew up the answer as usual, which the Commissioners forwarded the next day to the Lieutenant-Governor. The sentiments it expressed were most uncharitable and unfeeling, and as if to give a keener edge to its upbraidings thus assumed the hypocritical cant of religion, and dared to employ the language of Christianity. The Commissioners refused to let him have the minister of his choice, and even his family were not to be allowed to visit him, but on the condition of his turning Captain Lane, a Cornish Officer, out of the Castle, which he was also recommended to cause to be surrendered to the Parliament in the event

(*) This vile prostitution of Scripture to a political purpose is taken from the 20th Chapter of Isaiah, and the 29th Verse. The whole of that Chapter is a denunciation of God's judgments against the wicked, and just such an one as Sir Philip's enemies would apply to his case, with the diabolical design of insulting him in his last moments, and adding new fears to the natural dread of dissolution.

of his death. This cruelty towards a dying man, however it might have been excited by personal hatred and political rancour, could scarcely have found an apologist even in that intolerant age. The condition on which his request was to be granted was inadmissible, as the dismissal of Lane would have endangered the safety of that fortress, which he had long determined never under any circumstances to deliver up to the King's enemies.

This refusal to allow Sir Philip to be visited by a minister of his own choice, and to see his family, did not so much originate in humanity as in political considerations. His enemies had flattered themselves, that a frame enfeebled by disease and a soul shrinking from the terrors of dissolution, would gladly have purchased that permission, on the proffered condition of giving up the Castles. Such a crooked policy cannot be mentioned with too much reprobation, but like most other machiavelian schemes of the kind, it ended in disappointment, and only afforded a plausible pretence for the rigorous retaliation, which Sir George De Carteret soon after inflicted on those political adversaries.

The same day, his mother, a venerable matron, of eighty years of age, and her two daughters applied to the Commissioners and to the Dean and D'Assigny, for permission to go to the Castle, but they were refused. A similar application of the old Lady had been sent before, and now when she saw that she could not prevail on those unrelenting hearts, she offered to give a sum of money to the poor; but even then the permission was not granted. His friends were not allowed to convey him even the refreshment of a bottle of spring water, and of a few ounces of sugar-candy. The populace had been wrought up to such a state of frenzy by D'Assigny, that had any one been found to carry him any refreshments, he would have been exposed to their extreme violence. After this, two or three days elapsed without any communication with the Castle, when its Porter came to the Town to say that Sir Philip was getting worse. The same day Lady De Carteret who was in Mount-Orgueil Castle sent a young female to enquire after her husband's health, and to carry him a religious book to comfort him in his sickness; but she was stopped by the guards who compelled her to return into the town.

During these troubles there had been an interruption of the administration of justice; but on the 22nd the Court met to appoint a Judge in the room of Sir Philip De Carteret, who was dead in law, as they said; but as it could not agree about the choice, it was adjourned for a week.

The Commissioners being at last touched with some remorse of their barbarity sent a man to enquire after Sir Philip's health, as they could not believe that he was so near his end. The messenger informed them on his return, that he was very ill, and that it was expected he could not recover. The request to allow his wife to visit him was reiterated, but for that day the permission was granted only to his mother; the request of one of her daughters was not complied with, notwithstanding which she endeavoured to accompany her aged parent, but she was detained on

the way, and told that they would not suffer her to go into the Castle. Oppressed with grief, she fell from her horse and fainted, and yet the inexorable agents of unmitigated revenge, conducted her back slowly into the town. As to the afflicted lady, that last descendant of those Paulets, who had formerly governed this Island with unlimited authority for half a century, she was allowed to go in with a servant to see her son, whom she found dangerously ill, and becoming worse every hour. She then sent back her servant to the town, to say that he was getting worse, and that he requested to be allowed to see his sister Judith. This was granted. But as to a clergyman, they persisted in not sending him the one he had already selected. They endeavoured to prevail on the elder Mr. Brevint, the father of Daniel Brevint, who was subsequently Dean of Lincoln, to repair to him; but that worthy pastor as he had not been sent for by the dying man, declined the application from motives of delicacy. It was then that Mr. Mollet, another clergyman, was sent to administer to him the consolations of religion in his last moments.

The Chronicler relates that not more than six hours before Sir Philip's death, he was an eye witness to a circumstance so cruel, barbarous, and inhuman, that he mentions it with merited reprobation. A man came to D'Assigny to inform him that a basket of fruit was being carried to the Castle for that gentleman's refreshment, and whether it was to be suffered to pass. "No, no," replied that ecclesiastic, "run after it, and do not let it pass; it would do better for us than for him." D'Assigny had nevertheless just heard that there were no longer any hopes of his recovery. The messenger was too far gone to be overtaken, and the fruit reached its destination.

It was not till the last day of his life, that Lady De Carteret obtained the permission of the Commissioners to visit her husband, but it was too late, as she found him in the agonies of death, and scarcely sensible. He however raised his hand, as if to show that he was conscious of her presence, and to bid her a last farewell.

Thus expired Sir Philip De Carteret, on the 23rd of August 1643, a victim to the malice and persecution of his enemies. He was in his 60th year, having been born at his Father's seat, in the Isle of Sark, in February, 1583, 4. His life was cut short by intense anxiety, increasing vexation, and perhaps want of exercise through his confinement in a fortress, in which he had been blockaded five months. He may therefore be said to have perished in the cause of his Sovereign, as much as if he had fallen on the field of battle. He died after an illness of 13 days, but the precise nature of his last sickness is not mentioned. He was a personage of high dignity, loaded with a long enumeration of feudal titles, enjoying important offices, and who had received many tokens of the Royal favour. These accidental distinctions may be barely mentioned; but it is with the bright parts of his character that posterity is delighted. His loyalty to his Sovereign continued to his last breath, and he preferred to bear every inconvenience rather than betray his trust. The greater part of his misfortunes

were occasioned by the envy which his long career of prosperity had excited. He was however worthy of the important offices to which he had been elevated by his Sovereign. His letters, many of which have been preserved, shew him to have been a man of capacity, and that both from his education and experience, he was intimately acquainted with the constitution and the local usages of his country. But the most interesting part of his character is to be sought in his moderation and forbearance, forming an advantageous contrast with the virulence and cruelty of his adversaries. Nor were his patient endurance under suffering and his christian forgiveness less remarkable in his latter days. He and his predecessor John Hcrault, the Bailly, did much to confirm and extend the privileges of Jersey; but in point of mildness and benevolence Sir Philip was superior to that upright, but rather too high spirited magistrate. His death is said to have been generally lamented, and indeed if he had lived, the Island might have preserved its loyalty without any of the evils that attended the vigorous, but tyrannical administration of Sir George De Carteret. Sir Philip was blessed with a numerous progeny, most of whom survived him. The clergyman who attended him, says the Chronicler, was particularly struck and edified with the truly Christian spirit of this good man, who left the world and its transitory scenes without regret, forgiving all men, as he hoped to be forgiven, in the assurance that he had made his peace with his Maker. It may therefore be affirmed that after a careful survey of this Island as it was under James I, and Charles I, Sir Philip was its most distinguished personage, and even at this time, his talents and integrity, either as a magistrate or a politician, would be considered as being of the highest description.

His widow and his son sent to St. Malo, for a Surgeon, to embalm his corpse, which was accordingly done, and then deposited in a lead coffin. It remained unburied for some time, according to a request he had made on his death bed; but his brains and entrails were buried in the Castle near the Old Church. (*Chevalier, Part I, S.S. 52 and 53.*) Afterwards when his successor Sir George De Carteret was in power, he caused his remains to be conveyed to the family tomb of his ancestors at St. Ouen, with all the pomp and display of veneration and respect which it was in the power of a triumphant party, to bestow on the memory of a lamented chief. His widow was an English Lady, a daughter of Sir Francis Douse, from Hampshire. (*Heylin's Survey, p. 288.*) She survived him but a short time, having expired after a short illness in Mount-Orgueil Castle, the usual place of her residence, on the 30th of January following. (*Chevalier, Part III, SS. 23 and 12.*)

The extreme length of this Note, which has been occasioned by the interesting materials now for the first time laid before the Public, obliges us to be concise in the remaining part of our narrative.—The Parliament during these troubles had lately appointed the Earl of Warwick Governor of the Channel Islands in the room of Sir Thomas Jermyn, a decided Royalist, and his Lordship had since named Leonard Lydcott, Esq., a young man of 28 years of age and a Major in the army, to be his Lieutenant-

Governor of Jersey. It happened opportunely for the Parliamentarians that this gentleman arrived from England three days after Sir Philip De Carteret's decease. He brought only a few officers and arms and ammunition with him, but no troops. He had been sent by the Close Committee at the solicitations of the Jersey Commissioners (*Pseudo Mastix*, p. 56 and *Chevalier*, Part II, S. 1, 2, 3.) to execute the warrant for Sir Philip's apprehension, which his death had now rendered unnecessary. It was however a fatal error on the part of the Commissioners to have made no application for any troops. Confident in their own resources, they had supposed that the Island and Castles would have soon been reduced under subjugation. If Lydcott had brought over a body of even 300 men, it was the opinion of the Chronicler that they would have kept the island in check, and that it would have ultimately remained in the possession of the Parliamentarians. Lydcott is said to have discovered this error when it was too late, for it was evident that Captain De Carteret could not have brought a sufficient number of men from St. Malo, to contend with such a force. It would seem however to be doubtful whether all the blame ought to be attributed to the Jersey Commissioners, who vindicate themselves in the *Pseudo Mastix* at the expence of Prynne. They repeatedly mention an intended Jersey expedition about this time, which was laid aside by Prynne's pernicious intrigues, and which according to them, occasioned the final loss of the Island to the Parliament.

Other reasons seem much more probable to have prevented that expedition, and to have been of more weight than either Prynne's advice, or the solicitations of the Commissioners. The issue of the contest was still very doubtful at that period of the civil war, and Parliament had then objects of much higher importance where to employ their forces. The value of Jersey had not yet been ascertained; nor was it till the vigorous administration of Sir George De Carteret, that his successful annoyance of the English trade, rendered the possession of Jersey indispensable to the mercantile security of the conquerors.

These different particulars are intimately connected with our subject, to show on how many contingencies matters depended, and how little at one time would have frustrated the ascendancy which Sir George Carteret, soon after acquired, and that ardour of loyalty which the Island was about to display to the admiration of after ages.

On the 29th of August, three days after Lydcott's arrival, the States met to hear his Commission of Lieutenant Governor read. The Commission itself with all the Earl of Warwick's titles, as well as the proceedings of the States of that day have been preserved by Chevalier, (*Part II*, S. 3.) Nine Jurats were present, five Rectors, and all the Constables except that of St. Clement. Mr. Le Geyt, one of the Jurats, and father of our afterwards celebrated commentator, was also one of this assembly, which was composed of men directly opposed to his real principles. The originals, like many more papers of the kind have perished with the Second Book of the States, and our Chronicler is valuable, were it only for having preserved several curious documents which are now no where else to be found.

The States ordered that the oath of office should be administered to the new Lieutenant-Governor under their Sovereign Lord the King, and his noble and discreet council, *the Parliament*; for thus it was that by the addition and interpretation of one word, they were endeavouring to reconcile themselves to the Constitutional forms of King and Council. It is however remarkable, that in the present mature age of the British Constitution, the Parliament is in fact the King's Council, and that the administration of affairs is naturally confided to the influential men who can command a majority in that Assembly.

At the same States Michael Lemprière produced his appointment from the Parliament, to be Bailly in the room of Sir Philip De Carteret. He had now reached the object of his ambition, for which he had persecuted his predecessor, and scattered widely through his country the seeds of disaffection. The appointment of the Governor and the Bailly belongs to the Crown, and therefore any interference in those matters on the part of the Parliament was a direct usurpation. Hence as these two functionaries were illegally appointed, it required in better times no sort of legal process to secure their expulsion.

As soon as the Earl of Warwick's Letter and Lemprière's Commission had been read, the passive States, without even one single member daring to utter a murmur, silently acquiesced, and to give a greater solemnity to the business, Michael Lemprière was sworn in first after the usual forms, that he might afterwards administer the oath to the Lieutenant Governor, which was the same as that in the Jersey Code of Laws, (*p.* 282.)

These two functionaries were sworn in on the 29th of August, 1643, and held their ephemeral offices till the 21st of November following, when they precipitately fled from the Island on the landing of Captain De Carteret.

From the beginning of March, 1643, when Sir Philip De Carteret retired to Elizabeth Castle, till the 21st of November following, the Island, with the exception of the Castles was in the hands of the Parliamentarians. The greater part of the inhabitants were loyal, but the fear of ill treatment compelled them to remain quiet. The Castles never were in any danger of being taken by their assailants, for they had not the means to annoy them much by land, nor had they the command of the sea. The operations against Elizabeth and Mount-Orgueil Castles were however carried on rather more briskly under that Officer's administration, than they had been in the former part of the blockade. The Chronicler has preserved a very minute journal of the siege of the Castles, which though highly amusing and even interesting, is too long to be even abridged in this place. Perhaps we may avail ourselves of some future opportunity to lay it before the public.

On the 18th of September the Lieutenant-Governor held a general review of the militia at St. Helier, and after an inflammatory speech against the Royalists ordered the men to take an oath of fidelity to the King, the Parliament, and the Governor. As he did not understand French, the oath was administered by D'Assigny. It was taken by some with evident

reluctance, and others thought to elude its obligation by turning their backs, while it was being administered. John Dumaresq, one of the militia Colonels, having objected to the oath, was first put under an arrest, and afterwards deprived of his commission. This gentleman was afterwards Sir George De Carteret's Lieutenant Bailly, (*Chevalier, Part III, S. 11.*)

The besiegers raised batteries on the town hill, now Fort Regent, and the Castle fired at the town, which was then without any protection towards the Sea. No mischief of any consequence however happened; the besiegers fired but 36 shots during that siege at Elizabeth Castle, which on the other hand fired 335.

Lycott's appointment by Lord Warwick was of the 8th of July, 1643; so that Sir Philip De Carteret had been superseded on account of his loyalty about six weeks before his death. After that event His Majesty appointed Captain George De Carteret Lieutenant Governor of Jersey on the 3rd of October, in the same year.

Lycott's prospects of success were diminishing daily, and he had the mortification to find that some of the English officers whom he had brought over with him had basely deserted him, and surrendered themselves to the dowager Lady Carteret, who was in Mount-Orgueil Castle, in whose presence they burned the commissions they had received from the Parliament. (*Pseudo Mastix, p. 58, and Chevalier, Part II, S. 48.*) As he had no troops the greater part of the inhabitants were only waiting for an opportunity to declare for the King, and even among his own party, there were many on whose courage or fidelity he could not place any reliance. He therefore took the precaution to keep a cutter in readiness for his departure.

In the mean time matters were hastening to a crisis. Lycott and the Commissioners who were now convinced, that it was impossible to retain their occupation of the Island, endeavoured to negotiate with the commander of Mount Orgueil Castle for an accomodation. This state of things lasted but for a few days till the arrival of Captain De Carteret from St. Malo, in the evening of the 19th of November. Several of the Royalists had formerly gone over to him during those troubles, and being anxious to return now to their homes, had now accompanied that active officer in his expedition. The islanders were by this time tired of Lycott and the Parliamentary Commissioners, and the very next morning the inhabitants of the adjoining parishes of Grouville and St. Martin came to join him, and took the oath of allegiance to the King. A day later which was the 21st, the people of St. Brelade rose and retook the Tower of St. Aubin, a strong place commanding that harbour, and which had lately fallen into the hands of the Parliamentarians. The defection was now become general, and the reports which hourly reached the Lieutenant Governor and his friends, exaggerated the forces of Capt. De Carteret, who in fact had reached Mount Orgueil Castle with only two or three small vessels, and might perhaps have been successfully resisted, had they possessed either courage or presence of mind. But the surprise had been so complete, that they only consulted their terror, so that at the very

moment that the former had had his table laid out for supper, they precipitately went on board a small armed vessel at nine o'clock in the evening, leaving some of his servants, and the best part of his baggage behind him. Michael Lemprière, D'Assiguy, and a few others, who had been most deeply implicated in the disturbances escaped with the Lieutenant Governor. The Pseudo Mastix gives nearly the same account of this flight, but labours hard to prove that it did not take place with so much precipitation. (*Pseudo Mastix*, p. 69, and *Chevalier*, Part II, S. 53.)

It is worth while to relate this small but sudden revolution in the simple language of the Chronicler. "The other individuals who had been of the same party, endeavoured that very night, and as soon as they heard of Lieutenant-Governor Lydcott's departure, to get boats to save themselves, how, and where they could. They had a favourable wind to take them to Guernsey. Those who could not then get away, hid themselves, and afterwards got out of the country singly, and as opportunities occurred. The report of this sudden departure spread immediately throughout the whole Island, and that very night every one laid down his arms. It was a miracle, that no blood was shed on either side. Only a few hours before this happened, the whole of Jersey was in arms, and there were some small districts so divided, that they were on the point of coming to a conflict. It was an effect of Providence; for every thing was suddenly appeased, and both parties equally laid down their arms." (*Ib.* S. 53.)

During the late sieges Captain Carteret had resided at St. Malo, from whence he supplied the Castles with provisions, since their communication with the land had been cut off by the blockade. He had also reinforced their garrisons with small bands of English, Scotch, and Irish, as well as with a few Frenchmen.

The day after Lydcott's departure, Captain Carteret came into the town, attended by the parishioners of Grouville and St. Martin, and a small body of regular soldiers. He had marched with all the military parade in his power, and before he entered the town, he visited the abandoned batteries which his enemies had raised on the Town Hill to batter Elizabeth Castle. It would have checked the ardour of his exultation could he have extended his glance into that futurity, which Providence has so wisely enveloped in obscurity beyond the ken of mortals. He would have seen, that just eight years after, and from the very site of those batteries, destruction would be hurled on some of his most faithful adherents, that his strong hold would be rendered untenable, and that he would then be unable to save himself but by coming to a composition with the very men, to whom he was at this time inclined to shew no mercy.

He was well received by part of the inhabitants, while many could not conceal their dejection at his success. Several of them had either fled or hid themselves on his arrival, till after having gradually recovered from their fears, the greater part of them returned to their own houses.

He now assumed the tone of a master, and gave orders for a meeting of the States to be held in Trinity Church on the 24th of November, which

accordingly took place. There he exhibited his separate appointments to the Offices of Lieutenant Governor and Bailly, and took the oaths of Office accordingly; but the latter was an anomalous measure, that a soldier so disqualified for it, by habit and education, and burthened with so many military duties, should be placed in the chair of the first civil magistrate. He had however the good sense to confine himself to the emoluments of that place, and seems to have left afterwards the discharge of all his judicial functions to his Lieutenant Bailly.

The new Lieutenant Governor next exacted the oath of allegiance from the several parishes, taking three or four at a time. There surrounded by a guard of English and French soldiers, he administered the oath himself. A bible was placed on a drum, and then, eight or ten men put their hands on the book together. Most of those who took this oath, were the same men who had sworn fidelity to Lydcott but two months before. Thus easily one sports with, and dispenses from the obligation of an oath, which history too often shows to be binding no longer, than the power that enforced the taking of it exists. As in Lydcott's case, some evinced a reluctance to take it, some were indifferent about the matter, and others more conscientious, endeavoured to elude the responsibility by a voluntary absence.

A report had formerly been spread to injure the King's cause, that His Majesty intended to restore the Catholic Religion in Jersey. The very next Sunday after Captain De Carteret's arrival, he had a Proclamation of his own read in every Church, stating His Majesty's determination to maintain the Protestant Religion in this Island, without any alteration as it was under the reign of the late Queen Elizabeth, or in other words, that he would revive the Presbyterian Discipline. This was followed by an Act of the States 10 days after, which repeated the same sentiments. (*Chevalier, Part III, S. 4 & 9. States, December 12, 1643.*) Thus while the unfortunate Charles was engaged in a civil war, partly in defence of episcopacy in England, some of his adherents were suppressing it, probably without his orders in this Island, perhaps because it was here a popular measure, or rather, because it was to be a prelude of the vengeance which was so soon to fall upon David Bandinel, the Dean, and of the abolition of his office, part of whose revenue would nominally go to the Crown, but in point of fact would benefit the Lieutenant-Governor.

Captain De Carteret, not only now, but throughout the whole of his administration, was particularly careful to call the States on every occasion to make them sanction his views. As an historical document, the loss of that Book of the States is to be regretted, though in other respects it is well that this memorial of their subserviency and pusillanimity has not descended to posterity. "As soon" says the honest Chronicler, "as he wished any thing to be done, he would summon the States, and lay it before them, that no one might find fault, when he had the sanction of the States, who he knew would not venture to refuse any of his demands. He did so that his measures might have more weight with the people, and to keep it more easily in subjection, as will appear from this Chronicle; "for no one ever opposed

any of his demands of whatever nature they might be." Thus degraded and enslaved were the States of Jersey at this much-vaunted period of its loyalty, a humble counterpart of the Senate of Imperial Rome, under its worst tyrants, or of the national Convention of revolutionary France! (*Ibid*, S. 11.)

As it is not our intention to give a detailed account of this period, we might close here our narrative, with Captain De Carteret's enjoyment of the undisputed Government of the Island. From that date Mr. Falle's history, though very concise, may be safely trusted. One of the most interesting parts of the history of Jersey would be that of those civil wars from 1640 to 1660; but from the distance of time that has elapsed since, and from the scarcity, or rather confusion of materials it would be a work of much difficulty.

Captain De Carteret had not lost sight of his political adversaries, against whom his vindictive disposition was now to exhibit itself, in all its severity, and as it fell on those individuals, who had so lately cruelly persecuted the late Sir Philip De Carteret, it will be interesting to give some particulars about them. Of the five Parliamentary Commissioners, one of them, Francis De Carteret, as it has been observed before, had refused to act, and was therefore left unmolested. Lemprière, Dumaresq, and Herault, escaped with Major Lydcott, and repaired to London, where they wrote the Pseudo Mastix against Prynne, till after an exile and confiscation of eight years, they returned to their country subsequently to its conquest in 1651. Mr. Bisson having remained at home, was apprehended on a charge of having raised and fomented an odious rebellion, and committed to Elizabeth Castle. There he remained a state prisoner for 18 months, and at last compounded for his life and estate with Sir George De Carteret's Royal Commissioners, by paying a heavy and arbitrary fine, and submitting to degrading humiliations, which to a liberal mind must have rendered his misfortunes more intolerable than those of his exiled colleagues. (*Chevalier*, Part III, S. 80.) He and some others after having pleaded guilty to a charge of high treason, and implored on their knees the Commissioners for the Royal mercy, were mulcted with exorbitant fines, each according to his means, and before being set at liberty, were obliged to take the sacrament in St. Helier's Church: A Bible was laid on the Communion table, on which they placed their hands, and then while in the act of receiving the consecrated elements, they had the oath of allegiance administered. It is impossible not to be astonished at the impiety and the malignity, which could thus profane the mysteries of our holy religion to political purposes, and that ignorance of the human heart, which did not perceive, that persecution so far from making converts to any cause, only renders men the more tenacious of the principles which they had previously embraced.

The Royal warrant for the apprehension of the leaders of the parliamentary faction was dated the 19th of October, 1643, or some weeks before Captain De Carteret had possession of the Island. (*See Cour du Samedi*, 1643.)

Another Royal Order was produced to dismiss the four Parliamentary Commissioners from their seats on the Bench. (*Cour d'Héritage*, 25 Avril,

1644, and *Chevalier*, Part III, S. 7.) Most of the individuals implicated had fled, but the property they had left behind them, could not fail to tempt the rapacity of the oppressors, and accordingly, at the Bailly's demand, (Captain De Carteret), the Royal Court ordered the whole to be placed under sequestration. No one, however mean, who had taken any part in the troubles escaped prosecution. Bandinel and his son James were not so fortunate as to escape from the Island, but it is uncertain whether it was because they supposed that their professional character would protect them in this season of danger, or because that they had the imprudence to remain until their retreat had become impracticable.

They were apprehended on the 5th of December, 1643, and committed to Elizabeth Castle, from whence they were afterwards removed to that of Mount Orgueil. Their hostility had formerly been very fatal to Sir Philip De Carteret, and now by a common vicissitude in human affairs, they were in the power of their enemies.

Bandinel, like most men of unsteady principles, when he found (a little before Captain De Carteret's arrival,) that Lydcott would not be able to maintain himself, made overtures to the Lady De Carteret for a reconciliation, but they were eluded, or rather rejected. Lydcott was informed of this, and wished to apprehend Bandinel, who however took precautions to defeat his intentions. This unfortunate man was the dupe of his own duplicity, and whichever party prevailed, he was sure to be one of its first victims. D'Assigny made also offers of submission to Lady De Carteret, but her late husband had been too deeply injured to admit of any compromise, and therefore the application was unsuccessful. It is remarkable that the *Pseudo Mastix* makes no mention of either of the Baudinels or of D'Assigny; and perhaps its authors might have been ashamed of such unworthy champions, whose violence had been greatly injurious to their cause.

Pryne and Chevalier agree in saying that the latter had formerly been a Monk, and that having come to Jersey after embracing protestantism, he was patronised by Sir Philip De Carteret, whom he afterwards treated with the blackest ingratitude. (*Pseudo Mastix*, Page 73, and *Chevalier*, S. 45.)

Here we may take leave of D'Assigny, and observe that he returned after the conquest in 1651, and was presented to the living of St. Martin, which he held till the Restoration. As he was an intruder, the Governor, the Earl of St. Alban's, as patron, wrote a letter to the Court to dismiss him, and at the same time, by a stretch of power, ordered him not to exercise his ministry in the island. Nothing is known of what afterwards became of that violent and wretched individual.

The Bandinels were, afterwards, according to the Records removed to Mount Orgueil Castle, for their more secure custody, but in point of fact, to render their confinement more solitary and irksome. For some time their families had free access to them, but this also was afterwards prevented, on the pretence that by this means, the prisoners conveyed intelligence about what was going on in the Castle. *Chevalier* Part III, S. 24.

Their benefices, as well as that of D'Assigny had already been ordered to

be sequestrated by the Court of *Héritage* into the hauds of the Sheriff. (25th April 1644.)

All the individuals who had offended, and who could be taken were imprisoned, and some who had at first been forgotten, were apprehended a few months after, among whom was Maximilian Messervy, a gentleman of family and fortune, and nearly allied by marriage to the De Carterets, on whose unhappy catastrophe we shall have occasion to animadvert in another place. *Chevalier, Part III, S. 17.*

This was an age of fasts, thanksgivings, and humiliations; and it appears that Sir George De Carteret had often recourse to that measure, which was in fact no more than what was frequently done by the Parliamentarians on the most trivial occasions. Thus weak and simple mortals foolishly endeavour to propitiate the Deity, and impiously render Him a party to assist in destroying each other. When He suffers evils of this magnitude to fall on his creatures, it is to visit them in his wrath, and to inflict upon them, even in this world, the punishment of their crimes.

It is well known that all deeds for real property in Jersey must be officially executed in the presence of the Bailly and two Jurats. In consequence of a Royal Order, Michael Lemprière was expelled from the Bench, and a few days after, the Royal Court directed that all the deeds which had been executed before him, be declared of no validity in law, and should be publicly burned by the hangman. Thus Sir George was inflicting an ineffectual punishment, which could not reach the intruder in the office of Bailly, but which might cause serious inconvenience to the unoffending buyers and sellers of real property. (*Cour de Samedi 24 Mars 1645, and Chevalier, Part III, S. 50.*)

But the time was approaching when the wrongs of the late Sir Philip De Carteret were to be awfully visited on the unfortunate Bandinels. They had now been confined about 14 months on a charge of high treason in the Castles, and though they were not treated with any particular severity, there was no prospect of their obtaining their release. The catastrophe of archbishop Laud about this time, who had formerly patronised the elder Bandinel, is said to have affected him much, and to have terrified him with the dread of a similar fate. It had been his hatred of Sir Philip De Carteret, which had given a bias to his political opinions, as he could not but have foreseen, that if the Parliament conquered, his own individual ruin would be involved in that of the episcopal hierarchy, or that if the Royalists prevailed, he would incur all the dreadful consequences of a charge of high treason. The manner of their escape is related with so much simplicity by the Chronicler, and so much apparent veracity, that we cannot do better than insert the substance of it in this place. (*Chevalier, Part III, S. 45.*) The prisoners having bored several gimblet holes in a door which separated their room from another, started a plank, and got easily through that aperture into the adjoining room. There was a closet between it and the Castle wall, which seems to have been closed up, as they had a hole to make, through which, after having taken out some stones, they crept out side ways with much difficulty. This brought them in contact with a

small and narrow window, almost at the top of the battlements. The room though very much out of repair can still be easily recognised. It is almost at the top of the Castle, and the small closet and the window in it are still in the same state. The Closet is too small to have ever been a separate cell; it has an open door way into the larger room, which for some cause or other must have been walled up then, as otherwise the Bandinels would not have been obliged to take out any stones to get into that recess. This was the state of that interesting spot in 1832, when the author of this sketch, had the honour to accompany there Major General William Thornton, then Lieutenant Governor of Jersey. This prodigiously high wall under the window rose from the top of a sharp and craggy rock, from whence the descent was so steep, that one would be in imminent danger of losing one's hold, and being precipitated into the sea. The prisoners had waited for a night favourable for their purpose. It blew a hurricane, one could scarcely have stood upright in the Castle, and its violence tore up trees by the roots in different parts of the neighbourhood. It was amid the darkness and horror of this dismal night, at about half past three in the morning of the 10th of February 1644, 5, that the unhappy prisoners effected their escape. They had made a rope of cordage and napkies, tied end to end, and secured it by means of a ladle to a crevice in the wall. It was with the greatest difficulty that they could creep out of the window sideways, when each in his turn grasping this frail rope, slipped down from this tremendous height. It is improbable that they had reconnoitred this place in the day time, for had they been aware of the great elevation of the wall, they would have never made this attempt, as long as they were in their senses. The younger Bandinel came out first, but the rope was too short, and he fell on the rocks on which he was dreadfully bruised. His wretched father, ignorant of his fate, but resolved to hazard all for the recovery of his liberty, and to rescue himself from the certain vengeance of his political enemies, grasping the rope, the lower end of which he had secured round his waist, slipped down the wall; but when he had reached about half the descent, the rope broke at top. He fell and was dashed on the rocks, on which he was so severely hurt about the body and the head, that several of his bones were fractured, and that he became immediately insensible. From the coroner's inquest (*Catel, May 20, 1645*) one would be led to suppose that a concussion of the brain was the real cause of his death. As he fell from a greater height than his son, this may account for the more immediately fatal effects of his fall.

It was not long however before James Bandinel recovered himself a little, and was surprised to find his aged parent in that deplorable situation. At first he thought he was dead, but afterwards perceiving that he had yet some remnants of life, he had the presence of mind to turn him on his back on the grass at the foot of the Castle walls. He then covered him with his cloak, and left him to his fate on that devoted spot. As to himself, terror made him forget his own bruises, and added speed to his flight in quest of some friendly lurking place. The miserable old man remained there for some hours after day light, when he was discovered by some one from the garrison. He

was still girt round with the rope, lying on his back, and covered with his cloak, just as he had been left by his son. The rope had been fastened so tight, that he could hardly breathe; but after it had been cut, it gave him some slight relief, and in that state he was carried back into the Castle. His wife was then informed that she must make haste if she wished to see him yet alive. It is said, that when she came, he showed that he was in some measure sensible of her being present; but he never spoke again, nor gave any further signs of consciousness, and the next morning he expired.

The younger Bandinel, notwithstanding his dreadful bruises, clambered down the rocks, and got into the country to seek an asylum to hide himself among his friends. But his distress was too intense, and the danger attendant on pity, too terrible, to enable him to find any protection. The dread of offending a powerful and vindictive tyrant had deadened the very feelings of nature. His mother, his brother, his brother-in-law, afraid of the search that would be made for his apprehension would not harbour him, but removed him elsewhere. Even the wife of his friend Henry Dumaresq of Saumarez, then himself an exile, closed her door against him, till at last he was harboured by a widow, at the house of a Mr. Francis Luce in the parish of St. Lawrence, who was then also a fugitive for his political opinions.

The very day after his escape, orders were issued for his apprehension. (*Cour du Samedi 11 Février, 1644-5*), and all the Constables were directed to make a general search for him throughout their respective parishes. The Lieutenant Governor laid also an embargo on all vessels to prevent his getting out of the Island, and offered at the same time a reward of 200 francs for his apprehension. At length, after a diligent search of two days, he was discovered ill in bed, and suffering from the effects of his fall. Captain De Carteret on receiving this intelligence repaired himself to the widow's apartment at St. Lawrence, that he might apprehend him himself, as if he had wished to feast his own eyes with the wretchedness of a prostrate enemy. He was immediately remanded to his former prison in Mount Orgueil Castle, where finding himself very ill, he caused himself to be recommended to the prayers of the faithful in some of the parish churches, and this probably was the only manner in which the then depressed Parliamentary party could indirectly, though publicly, express their sense of these horrors, and of their commiseration for the sufferer. In other respects he was treated rather kindly in the Castle, till by degrees he partially recovered.

The day that he was retaken, the Dean's remains were consigned to an humble grave, under a large hawthorn, in St. Martiu's Church yard, of which parish he had been rector. Thus perished this dignitary after having been Dean of Jersey for 25 years. He is said to have been a man of great capacity, but haughty and overbearing in his prosperity. It was his misfortune to have fallen on evil times, through which it would have required consummate prudence and dexterity, to have carried him in safety. His dissensions with Sir Philip De Carteret, were equally fatal to both, and disastrous to the country; but if the latter was unquestionably the aggressor, the former evinced too much of the impetuous spirit and the vindictive nature of

an Italian. His cruelty to Sir Philip in his last moments was unchristian, and unworthy of a man, but still more so, of one who ought to have been a minister of peace. After every allowance is made, that cruelty to Sir Philip De Carteret leaves an indelible stain on his memory, and has the effect of diminishing that sympathy which would have attached to his melancholy fate, when the hour of his retribution arrived. His death however untimely, perhaps saved him from an ignominious end, and ought therefore to have been the less regretted by his own party. Sir George De Carteret was violent and unforgetting, and there can be little doubt, that some months after, when his Royal Commissioners came over to inquire into charges of high treason, Bandinel would have expiated on a scaffold the wrongs which he had inflicted on his deceased uncle.

He had no immediate successor in the Deanery, which remained vacant till after the restoration, though the Royalists were ostensibly fighting for episcopacy, and an appointment could have easily been made, as this Island was not occupied by their enemies.

There was a strange similarity in another particular. Grief had cut short the Lady De Carteret's thread of life within a few months of her husband's death, and as to the Dean's widow, she found in less than a year a relief in the grave from all her sorrows. Her son requested permission to visit her in her last sickness, but the same cruelty which had formerly been exercised towards Sir Philip De Carteret's relatives, was now retorted upon him, and he was refused. (*Chevalier, Part III, S. 141 and 154.*)

But even then the resentments of Captain, now Sir George De Carteret, who had lately been created a Baronet by his grateful Sovereign, was not yet satisfied. When his Royal Commissioners arrived, James Bandinel was summoned before them to take his trial for high treason. After having appeared once, the unfortunate man received an intimation, that his trial was to be but a mockery of justice, that his condemnation would immediately follow, and that that very day would witness his execution. Chevalier says that every preparation had been made at the gallows, a few days before, for the destruction of this political victim. As soon as these reports reached him, despair entered into his inmost soul, for he had been too deeply implicated with the disaffected party to have the most distant chance of a pardon; he was seized with a delirious fever, and his life was in imminent danger. Never was the maxim of the Roman Poet more applicable than to this case, when despair afforded the only chance of safety. The Commissioners after having heard the report of the Sheriff and of two medical men, who had been sent to visit him, put off the trial, because it seemed impracticable to proceed while he was in that state. No law, however arbitrary, would punish one who had lost his intellects, and tyranny itself would be disappointed of its principal gratification, when its victim would be unconscious of the sufferings he would be made to undergo. This happened on the 26th of July 1645, after which the prisoner's enemies seemed to have forgotten him in his dungeon, till the 18th of March following, when death relieved him from all his troubles. His mother had preceded

him to the grave scarcely a month before, and his remains were deposited in St. Martin's Churchyard near those of his deceased parents. He survived his fall from the Castle walls only fourteen months, from the dreadful contusions from which he never perfectly recovered, and which in all probability shortened his existence.

A natural death rescued the two Bandiuel from the implacable animosity of Sir George De Carteret, and here justice might have been satisfied. On the 15th of May following the Royal Commissioners confiscated the slender patrimony of these two offenders, a punishment which could not reach them in the tomb, but which might gratify rapacity by the beggary of their innocent descendants. The whole race was also declared to have incurred a corruption of blood, and to be for ever incapable of holding any place of honour or profit in any part of his Majesty's dominions. *Et les Commissaires honniront leur race*, is the emphatical expression of the honest Chronicler. (*Part III, S. 206.*) Here persecution was staid, because it was impossible to sink that unhappy family into a lower state of infamy and degradation. But in the course of the vicissitudes of human affairs, it rose again from its humiliation after the expulsion of Sir George De Carteret, and in a few years resumed its former rank in society.

It is well known that by the Charter of King John, the cognizance of high treason is specially reserved to the Crown. Sir George De Carteret wished to have his adversaries considered as having been guilty of that offence, and that the wrongs done to himself and his family, should by a strange perversion of terms, be considered as disloyalty to the King. But there was no tribunal competent to try and convict them in Jersey. It became then unavoidably necessary to have Royal Commissioners sent here for that object, who were to be moulded to his own purposes, and to be men of his own choice. Nearly five centuries of undeviating loyalty were now to be obliterated by a Commission to try charges of high treason, and the spoils of one party were about to be appropriated by a victorious faction to increase the influence, and the wealth of their leaders. These Commissioners, Poley, Vaughan, and Janson, arrived on the 10th of April 1645, and their Commission was presented at the Court of *Héritage* on the 24th of the same month. (*Chevalier, Part III, S. 56.*) The States also met on that day, but with their Journals the Royal Commission of those Commissioners, and the proceedings of that sitting have been lost. Vaughan was the only one who understood French, their Clerk was one Perret, a Frenchman, and a Catholic. Every thing that was done by those Commissioners was not only finally annulled, but every vestige of their proceedings has vanished from the Records. Mr. Le Geyt, when he mentions the different Royal Commissioners, is entirely silent about these, as if at subsequent periods all men had been ashamed of those vile tools of arbitrary power, and by a mutual consent, had consigned their names and their demerits to oblivion. The last time they are mentioned in the Records, is in an Order of Council of April 27th, 1669, (*Samedi, No. 58, October 7th, 1669.*) which finally confirmed the restitution of all the Jersey property, which had been

confiscated in 1645 and 1646, declaring that what had been done by those Commissioners, or any of them, should be of no validity in law. This Order was issued, when Sir George De Carteret was himself in disgrace after the fall of Lord Clarendon. The Chronicler says "that these were the persons whom Sir George De Carteret employed to procure the condemnation of his enemies, and that he had done by their means during the civil war, what ought to have been reserved for more peaceful times. That it appears as if he had been actuated by his own personal feelings to be revenged on the absent who had fled, for which the innocent had to suffer long afterwards, and that he was himself finally deprived of those confiscations by the power of those very men, whom he had doomed to death, as would be evident about the end of his history." Poley, was the only Commissioner who was a Protestant. That circumstance alone was calculated to produce the worst effects in an age, when the passions of mankind were particularly alive at the recollection of the recent Irish massacres, and the yet unmitigated persecutions of the Church of Rome, (*Part III, S. 55.*)

The late Parliamentary Commissioners, Dumaresq, Lemprière, and Hérault, were condemned as contumacious, to be hanged in effigy, and their property confiscated.—They were to be executed, when, and wherever they might be taken. Nearly fifty other individuals who had fled, several of whom belonged to the humbler classes of society, were indiscriminately involved in the same condemnation.

Many who had been implicated in the disturbances, and had not been able to escape, were apprehended, and after suffering long imprisonments could not obtain their release but on the payment of illegal and arbitrary fines. At the very time that these prosecutions for high treason were still carrying on in Jersey against Michael Lemprière and his adherents, they obtained an Order of Parliament (*September 16, 1645*) to reverse Sir George De Carteret's violent proceedings against them. Years elapsed before this Order could be efficient, but the Royal Party having been finally overpowered, it was registered in 1656. (*Court of Catel, Dec. 4.*) It is remarkable that these Commissioners were not so liberal of the punishment of death, except in cases of contumacy. Had they done the same with regard to those who were in their power, their iniquity would probably have been arrested by an unsparing retaliation against the Royalists in another quarter. Only one person perished in the course of their judicial proceedings; for an opportune death, as we have seen before, had rescued the Bandinels from public ignominy, and spared Sir George De Carteret the stain of that unnecessary cruelty. Maximilian Messervy, a young gentleman of good family and fair inheritance, who had formerly been accused of coining, and pardoned, (*See Cour du Samedi, 26 September, 1642, Pseudo Mastix, p. 80, and Chevalier, Part III, S. 73*) through the interest of Sir Philip De Carteret, was now charged with high treason. The Commissioners after examining a few witnesses, and without a jury, condemned him to death, and had him executed that very day. He requested to be buried at St. Saviour, the Rector of which parish, Mr. Poingdestre, a Royalist, and Mr. Falle's predecessor in that

Having had the corpse removed to his own house, and deposited the next day in the Church yard. There is however no entry of it in the Parish Register, and the Archives of the Island are likewise unsullied by any record of that judicial atrocity. Every memorial of it would have perished, had not the circumstance been incidentally mentioned in an Order of Council issued soon after the Restoration, on the petition of his orphan children about the restitution of some confiscated property.

The reason that so little remains concerning those Royal Commissioners of 1645, is that their proceedings were probably entered in a separate book, as had been done by the Royal Commissioners Gardiner and Hussey in 1607. Such an offensive document would naturally have been destroyed by the Cromwellians in 1651, unless the Royalists had already taken that step to avoid exciting the exasperation of their conquerors. The loss of the second Book of the States may be supposed to have occurred in the same manner.

Sir George De Carteret had formerly raised a forced loan on the inhabitants, and he now availed himself of circumstances for its extinction. He offered them confiscated lands and rents; but those who declined to accept of that payment were told, that they must wait till some future period, when the King's affairs would be in a better state, which was in other words, that they would receive nothing.

We are now come to that point when Mr. Falle's narrative may be resumed. Those seeds of disunion, an account of which he has totally suppressed, do not extend beyond 1645. From that time the Island was perfectly loyal and tranquil; and perhaps all the fugitives would have been glad to have returned as peaceable subjects to their homes, had they not been prevented by the inexorable severity of the Lieutenant Governor.

On the 5th of March, 1645, the States published a kind of State paper or Manifest, explaining the reasons of their adherence to the King. It alludes indirectly to what it calls the misrepresentations of the other party, and on the whole, it is a masterly performance. Its author is unknown, and its length precludes us from inserting it in this publication. (*Chevalier, Part III, S. 152.*)

A great part of the remainder of Sir George De Carteret's administration consists of an account of his privateering enterprises. Under every reverse in the fortunes of his Sovereign, he persevered in this course, till at last it excited the clamours and the indignation of the English merchants to such a degree, that it occasioned the invasion under Blake, attended with the pillage and the conquest of the country.

He was the first to show its importance to England, and the ruinous consequences which would result, if it was in the possession of an enemy. His predatory annoyance which he carried from thence was fatal to the interests of trade, and rendered Jersey not much better than a haunt of Buccaneers, or as the Pseudo Mastix, and Chevalier express it, a second Dunkirk. (*) (*Page 63*)

(*) "Guernsey is full in the road, about three hours' sail from Jersey: the Castell there not being able to be reduced, till Jersey be reduced, that Castell being continually relieved from thence." "If the King had gained Guernsey also, he would have had a second Dunkirk there, and hindered

of the former and Part III, S. 69 of the latter.) It was a striking spectacle to see this small island during eight years, unaided by its Sovereigns, brave the whole power of the British Islands, and maintain a kind of Barbary independence in the very centre of Europe, principally by the resources of prizes. The man who could conceive and execute such a plan was worthy of admiration, while his rapacity, his avarice, his despotism, and his cruelty have escaped general reprobation, by having been officiously withheld from the press, and the knowledge of posterity. After the Restoration Sir George De Carteret resigned the office of Bailly to his cousin Sir Philip De Carteret of St. Ouen. He never after made any permanent residence in Jersey. His son fell in the same engagement against the Dutch, in which the Earl of Sandwich was killed. As to himself he died at an advanced age in England, in 1681, and a few months after his death, his grandson was created Lord Carteret. That nobleman was the first individual of a family of the true old Norman extraction, who had been raised to the peerage for many ages, and in 1695, he obtained a permission from the King to dispose of all his property in Jersey. The male posterity of Sir George De Carteret after having run a distinguished career among the English aristocracy became extinct in the person of Robert, Earl Granville in 1776. That of Sir Philip De Carteret had already expired in 1716 in his great grandson Sir Charles De Carteret of St. Ouen, whose monument is to be seen in Westminster Abbey. As to the office of Bailly it continued as a sinecure, or rather an honourable heirloom in the family of the De Carterets, till the death of the late Lord of that name in 1826, when Sir Thomas Le Breton who had long acted as his Lieutenant was appointed to that highly responsible situation.

It has been shown from the foregoing narrative, that there was a violent struggle between Sir Philip De Carteret, Michael Lemprière, and Sir George De Carteret, for the administration of Jersey during those civil wars. It is difficult to ascertain in the success of which of the three, the country would have been most benefitted. Sir George De Carteret's career was splendid, vigorous, and patriotic; but his administration drew the Island to act a prominent part in the great theatre of events, for which it was unfitted, and he left it afterwards at the mercy of its enraged conquerors, after having secured his own retreat by an advantageous capitulation. As to Lemprière, his power was not only an usurpation, but his prematurely declaring for the Parliament, while the larger part of the population were opposed to him, and he was without any troops to ensure his success, was extreme rashness, in which he could have only consulted his ambition or his animosities, all which was productive of incalculable misfortunes to his adherents. His ambition and party feeling threw him into the hands of Parliament, and the evils which resulted from that disastrous measure,

“all, or most of the trafficke.” “If the Parliament rightly knew the full consequence of those Islands, they would esteeme them more, and speedily secure them from the enemy. The King giving order to the Queen to take care of those islands, intimates, that they be worth the taking care of, and looking after them; and the King ingaging of them (*mortgaging*) to the French, as it is in some letters mentiond. (*Pseudo Mastix, page 63*).

ought to be a lesson to any people never to have recourse to an external interference. It remains only to consider, if Sir Philip De Carteret had survived and recovered his power, it would have been for the advantage of all parties. The moderation and the general mildness of his character afford strong presumptions in the affirmative, at the same time that his loyalty would have been as decided as that of his nephew. He would have held the Island for the King, but it would have been without any of those violent measures, which render the bad feelings of civil discord irreconcilable. His administration might not have been brilliant, his predatory warfare by sea would not have carried dismay into the mercantile interest of that age, he would not with unwearied efforts have prevented Blake during three days from landing, nor would he have chivalrously defended one of the last fortresses of his exiled sovereign; but he would have rendered the people peaceable and happy, and when the day of inevitable submission would have arrived, it would have been attended with scarcely any of the evils of war. The death of that gentleman, at that particular time, was one of the greatest misfortunes which could have befallen the country.

If it had been possible to have then observed a strict neutrality, it would have, after all, been the most advantageous course. It would have been the best policy for Jersey to have abstained from all hostilities during those lamentable commotions, and not exposed itself to be crushed during the mighty struggle of the contending parties. The true interest of Jersey in all those critical emergencies, is to attend chiefly to the preservation of its Trade, its Charters, and its Privileges, and by its neutrality, to find no difficulty in conciliating afterwards which ever side may eventually happen to be the conqueror.

Our ancestors acted on these principles at the Revolution of 1688, when they secured their constitutional rights in the first place, and quietly submitted to the Government of William III. The devastation of Jersey in 1651, and nearly forty years of reflection had cooled a blind and imprudent zeal for one of those very Stuarts, James II, who had formerly resided among them, and for whose family they had so devotedly fought and bled.

It is a consoling reflection, that only one individual perished in Jersey for a political offence during those dissensions, of which, after a very short time, scarcely any vestige remained among the islanders. There seemed to have been a mutual desire after the Restoration to bury the very remembrance of them in oblivion. It is indeed true that Cromwell's Bailly and all the members of his Court of Justice then disappeared, and never again returned to power; but it is equally the fact, that the principal families were again connected by intermarriages among themselves, and that their immediate descendants were indifferently elected and admitted into all the insular offices of honour and respectability. The motives for this mutual oblivion were obvious. Those who had been implicated in the insurrection, were naturally anxious that this stain on their names should not descend to posterity, and those whose avarice and severity had aggravated evils, which might have

been mitigated by conciliation, wished that their dishonour should be erased from the recollection of their countrymen. Nor is it the least remarkable circumstance, in the strange vicissitude of human affairs, that Sir Phillip De Carteret is now represented in the female line by four co-heiresses, three of whom were married in the families of Bandinel, Lemprière, and Messervy; but their portion of the inheritance has been alienated by sale to strangers.

The St. Ouen estates on the death of Sir Charles De Carteret in 1716 reverted to John, Lord Carteret, a descendant of Sir George De Carteret: That nobleman sent an agent to Jersey to sell some of the estates to pay the debts of the late Sir Charles. In this manner the Island of Serk and other property were then alienated, with the proceeds of which Payne, the agent; withdrew to Holland; and was never more heard of. This was the first blow to the diminution of the St. Ouen possessions, the remnant of which was shared in the female line, in 1776, on the death of Robert, Earl of Granville, as we have already observed.

A small part of the ample possessions of Sir Philip De Carteret, with the baronial mansion, yet remains in the hands of the descendant of the eldest of those co-heiresses. A feeling of veneration has however survived for St. Ouen's Manor, to which so many of the chivalrous recollections of Jersey, and of its ancient inhabitants are attached; nor is it without some regret; that we take leave of its departed inhabitants, who were during so many ages, the favoured of their Sovereigns, and the leaders of their brave and loyal countrymen in the defence of their country.

We close this historical sketch with the enlogium of Sir Philip De Carteret, as it has been extracted from the Records of the Island.

(*Cour du Samedi du 24 Novembre, 1668.*) Sur l'action du Procureur du Roi et de Dame Aune Dumaresq, veuve de Messire Philippe De Carteret, Chevalier, seigneur de St.-Ouen, Serk et Rozel, tutrice de ses enfans, adjointe, vers Demoiselle Jeanne Périn, veuve de M. Henry de la Marche, tant en son nom que tutrice, pour venir aparôistre en justice de poursuites et diligences valables, et requises pour la vuidance des procédures ci-devant intentées contre ledit Sieur De Carteret, depuis l'an mille six cent cinquante quatre, ou bien renoncer a tout avantage et conséquences quelconques qu'elle pourroit prétendre à cause desdites procédures, et pour les calomnies et accusations de crimes atroces et supposés, qu'elles contiennent, contre l'honneur et bonne réputation du feu père dudit Sieur De Carteret, défunt, subir telle punition, amende, et reparation, que justice trouvera propre, et recompenser ladite Dame Dumaresq, tutrice, de divers frais, dommages, cousts et vexations, encourues et souffertes à cause, de ce que dessus, suivant les premisses de la Cour de Catel. Veu que ladite Périn a présentement déclaré en Cour qu'elle désavoue toutes les procédeures faites par son dit feu mari vers ledit Messire Philippe De Carteret, Chevalier, en matière de crime, et mesme qu'elle en est mariée: Il est ordonné qu'il y aura Acte inséré aux Rôles contenant une ample et due reparation à la mémoire dudit feu père dudit Sieur De Carteret, et demeurent anéanties partant tous Actes et Procédeures qui touchent son honneur et bonne réputation. Et au regard de la cause d'hé-

ritage de ladite Périn vers ladite Dame, tutrice, ordonné pareillement qu'au plus tost, il sera procédé à l'examen et jugement d'yeelle, veu qu'à cause de son importance, elle n'a peu être vidée à mesme temps.

Chacun sait quelle est la réputation de feu Messire Philippe De Carteret, le père, Chevalier en son vivant, Seigneur de Saint Ouen, &c. Il posséda les premières places et au Gouvernement et en l'administration de la justice, et s'en acquitta toujours avec tant d'honneur et d'intégrité qu'il ne se rendit pas moins considérable par son propre mérite, qu'il l'était par l'importance de ses charges. Sa vie fut presque toute entière une continuelle fonction publique, car mesme dès avant qu'il fust majeur, il se vit dignement appelé par la voye des suffrages, pour prendre en ce lieu le rang de ses ancestres. Il fut donc aimé du Prince et du Peuple ; et l'on peut dire enfin, que sa mort fist le comble de sa gloire, puisque ce fut en la défense des Châteaux et forteresses du païs, où il donna jusqu'au dernier soupir d'assurées preuves de sa valeur, et de son zèle pour la gloire de Dieu, pour le service du Roy et pour le bien de sa patrie. Mais le seul titre de la masse, que sa Majesté a depuis peu donuée à Messieurs les Baillis de l'île, pourroit faire connoitre quel a été cet illustre défunt, et combien de respect ou doit avoir pour sa mémoire. Il semble superflu de coucher sur ce papier, ce qu'on peut voir gravé si magnifiquement sur cette masse en lettres d'or. Peut-il estre encore besoin de louer un homme à qui le Roy a déjà fait un monument et un éloge ?

Néanmoins parce qu'un étranger nommé Me. Henry de la Marche, prenant avantage du temps de l'usurpation, se seroit ingéré dans quelque pièce du procès qu'il fist alors, pour un intérêt prétendu du chef de sa femme au manoir, fief, et seigneurie de Rozel et dépendances, d'avancer contre ledit Sieur Chevalier De Carteret long-temps après son décès, des aspersions outrageuses, quoique destituées de toute apparence de vérité soutenable, et désavouées aujourd'hui publiquement par la veuve du même de la Marche, qui les avoit jettées : La Cour par délibération unanime, sur l'instance de Noble Dame, Anne Dumaresq, Veuve de Messire Philippe De Carteret, Chevalier, et Gentilhomme de la chambre privée de Sa Majesté, fils aîné, et digne successeur dudit Seigneur de St.-Ouen, deffunt, tutrice de ses enfans, et pour la satisfaction très-justement due à toute son honorable famille, en a fait faire et registrer cette relation, par laquelle toutes les susdites aspersions puissent demeurer tellement refutées, et détruites, que si jamais il en reste quelque souvenir, ce ne soit seulement que pour marquer à la postérité l'insolence et la malice de leurs auteurs.

Note 47, p. 69.

It is with pleasure, that we quote Dr. Shebbeare, in support of Mr. Falle's opinion. " Their situations, (*these Islands*), respecting France and Great Britain, render them the peculiar objects of British vigilance. For, although their advantage to this State may not be so apparently manifest, while they remain annexed to the crown ; yet the fatal effects, which must follow a separation, would speedily pronounce the error of thinking them of little estimation.

“ The Channel is immediately open to inspection ; and all the commerce which passes between those Isles and England, are the ready prey of the privateers and ships of war. And in the hands of France, would be of ten times the value to that kingdom, that Mahon and Gibraltar are to that of Great Britain. How far a port, so favourably situated, may be advantageous to this kingdom, I leave to the decision of those, who are more intelligent in those affairs than I am : but it requires no great discernment, to discover, that Jersey, in the hands of France, would prove an acquisition of more importance than the Isle of Corsica.”—(*History of Jersey, Vol. I, Chap. xiii.*)

Note 48, p. 71.

The first visit of Charles II, when Prince of Wales, to this Island, was not attended with any thing very remarkable, except the extraordinary circumstance of a fugitive Prince finding a welcome reception among a few loyal subjects, who were uncontaminated by the general defection, and un-awed by the fear of incurring the vengeance of the conquerors.—After having retreated from place to place in the West of England, he sailed at length from the Scilly Islands to Jersey. It is not many years ago that there was a collection of Charles' official letters written at that period to Sir George De Carteret, in the possession of the De Carterets of Vinchelez de Haut. What has since become of those papers, I know not. When shown to me once by the late Thomas Anley, Esq., one of the Jurats of the Royal Court, they did not seem to contain any thing remarkable, except that they were signed by Sir Richard Fanshawe, who was then the Prince's Secretary. Sir Ralph Hopton, who had commanded in the West, Sir Edward Hyde, and several other distinguished characters attended him to Jersey. Chevalier in his Chronicle contains a long and interesting account of the two visits of that monarch.

Note 49, p. 71.

Mr. Falle in the honesty of his heart doubts how Charles II could afterwards trust the Court of France. He seems to have wilfully shut his eyes to the character of that profligate monarch, who after his Restoration could so far forget his imperial dignity as to accept of a pension from France. Our ancestors adhered to Charles in his distress, and after his Restoration they often experienced his favour and protection. Hence even to this day, his memory is perhaps held no where in such estimation as in this Island.—This brings me to the charge made by Whitlock, at page 84, That there had been an intention of selling the Channel Islands to France. I must own that Whitlock had strong reasons to entertain such an apprehension, which seems to have been justified by the subsequent conduct of Charles when on the throne. When Charles' cause had become hopeless, there was a great temptation to have disposed of these Islands for his own individual advantage. If that was not done, one must seek for some stronger obstacle than the King's reluctance, to whom indeed it was next to impossible to have made such a bargain. Jenne's History of Jersey, p. 126, contains an

Act of Association signed by Lord Capel, Sir Edward Hyde (*Lord Clarendon*), Sir Ralph Hopton, and Sir George De Carteret to oppose the alienation of these Islands to France, in consequence of the reported intrigues of their Governour, Lord Jermyn. That paper is too long to be inserted here, the original of which is in the second volume of Lord Clarendon's state papers, p. 279. The blame is therein thrown on Lord Jermyn, though it is evident, that he was merely the passive instrument of the Queen, and perhaps of Charles, then Prince of Wales. Lord Clarendon was too honourable a man, as well as Sir Ralph Hopton, a brave officer, who had sought refuge here, after having fought the king's battles in the West of England, and Lord Capel whom his loyalty brought afterwards to the scaffold, not to have opposed such a nefarious scheme. As to Sir George De Carteret, he had then the entire military command of the Island, and neither his attachment to his native spot, nor his interest, or his family associations and national recollections would have ever suffered him to give up the Islands to France. We are not like Mr. Falle implicit admirers of Sir George. Ambitious, selfish, and vindictive, he availed himself of the misfortunes of the times to aggrandise himself, but he was a man of great civil and military talents, and of unquestionable loyalty and patriotism. Lord Jermyn and the Court of France had therefore every reason to expect, that such a man, if compelled to make the alternative, would rather come to some composition with the Parliament than betray the Island.

Another obstacle would have been the opposition of the inhabitants founded on their attachment to England, and to the Protestant religion, as well as to their ancestral contempt and aversion to a French domination. An attempt to sell them to France, would not only have probably failed, but it would have cooled their loyalty, and reconciled them to the Parliament, so that the Island would have been entirely lost to the unfortunate Charles. Neither Sir George nor they had forgotten, that not two centuries before, during the civil wars of York and Lancaster, Margaret of Anjou, under nearly similar circumstances, had sold the Island to Count Maulevrier. They had therefore a just cause of alarm. It would not therefore have been so easy for Charles to have disposed of these Islands, as Mr. Falle would insinuate.

It must also be recollected that France could not have accepted of such a bargain without a war with *England*, which it is improbable that Cardinal Mazarine would have undertaken at that time.

Lord Jermyn had his Patent of Governor of Jersey with the reversion to his nephew Thomas Jermyn renewed on the accession of Charles II. That Patent was however cancelled soon after, and Lord Jermyn and Sir George De Carteret were appointed joint Governours; but as the latter resided in the island, and had all the power in his own hands, the former became a mere cipher, holding at most a lucrative sinecure.

These explanations, though rather long for a note, were necessary. Our ancestors, no doubt, took the most loyal, honourable, and constitutional side, and covered themselves with glory; but it cannot be admitted, that it would

have been in the power of their needy and fugitive Sovereign, to have transferred them like a petty German principality, to the allegiance of a foreign power.

Note 50, p. 71.

During those unhappy times several of the English nobility and other distinguished persons found a temporary asylum in this Island. Among these we find the names of Lord Capel, Sir Richard Fanshawe, afterwards the translator of the *Lusiad* of Camoens, and the poet Cowley. The names of those exiles have been preserved in Chevalier's Chronicle. (*Part III, S. 181.*)

This may be the proper place to mention that the celebrated Prynne, after having severely suffered for his democratical principles in England, had been confined for some years in Mount Orgueil Castle, from whence he was released in 1640 by an order from the Parliament. It is painful to dwell on the tyranny of former ages, and to reflect how the abuse of power eventually recoils with a tenfold weight on the heads of the oppressors. Some of the very men who had been instrumental to the excessive punishment of Prynne, were glad within a few years to shelter themselves from the fury of political commotions in the very spot of his exile.—It is a pleasing trait in the character of the elder Sir Philip De Carteret, to whose custody Prynne had been entrusted, that notwithstanding his steady and implicit loyalty to his Sovereign, he conciliated the esteem of his austere prisoner by his humanity, who seems afterwards to have done all in his power to protect him from the vindictive efforts of his adversaries. This is evidently what is to be collected from the *Pseudo Mastix*, a manuscript treatise of Michael Lemprière, expressly written against a pamphlet of Prynne's, in defence of Sir Philip De Carteret's memory. One of the heavy charges adduced by M. Lemprière against that sour Puritan is, that he amused himself by playing at cards with Lady De Carteret and her daughters. As one of the principal objects of these notes is to insert curious documents relating to Jersey. That passage runs as follows: "The Wiseman saith, *The simple believeth every word.* But if wee should be like you, and relate all that is told us of you; Wee might say, That *Mr. Prynne played at cardes with my Lady Carteret and his* (Sir Philip's) daughters till midnight, or two of the clock in the morning; and that you sent out a recantation of that for which you suffered by a gentleman to the King; or at least your friend Sir Philip for you; and yet this is grounded upon a better hear say than you goe upon. If this was so, you might have kept your cases upon better terms, and for better occasions." (*MS. p. 70.*)

While Prynne was a prisoner in Mount Orgueil Castle, he amused himself with writing verses, which Cowley ridiculed in one of his own Poems. (*See Pope's Dunciad, Book I, v. 103.*) However indifferent in point of language and harmony, they are not without merit, and as a favourable specimen we quote his description of Mount Orgueil Castle.

Mont-Orgueil castle is a lofty pile
Within the eastern parts of Jersey isle,
Seated upon a rocke, full large and high,

Close by the sea-shore, next to Normandie,
 Neare to a sandy bay, where boats doe ride
 Within a peere, safe both from wind and tide.
 Three parts thereof the flowing seas surround,
 The fourth (north-westwards) is firme rockie ground.
 A proud high mount it hath, a rampier long,
 Foure gates, foure posternes, bulwarkes, sconces, strong;
 All built with stone, on which there mounted lie
 Fifteen cast pieces of artillery,
 With sundry *murdering chambers*, planted so,
 As best may fence itself, and hurt a foe;
 A guard of soldiers (strong enough til warre
 Begins to thunder) in it lodged are,
 Who watch and ward it duly night and day,
 For which the King allows them monthly pay;
 The Governour, if present, here doth lye,
 If absent, his lieutenant-deputy;
 A man of warre the keys doth keepe, and locke
 The gates each night of this high towering roke.
 The castle's ample, airy, healthy, and
 The prospect pleaseant both by sea and land,
 Two boystrous foes, some times assant with losse.
 The fortresse which their progresse seems to crosse,
 The raging waves below, which ever dash
 Themselves in pieces, whiles with it they clash, &c. &c.

Note 51, p. 72.

Chevalier contains a detailed account of that distinguished man in this Island. He seems to have been the personal friend of Sir George De Carteret, between whom there seems to have been striking points of resemblance. Both were distinguished for their loyalty, and both rose in those troublesometimes, by their merit, to the highest distinctions, and their posterity are still among the English peerage. But it must be acknowledged that there were still some shades of difference between them, and that in point of talent, and perhaps of public-virtue and disinterestedness, the preference was evidently in favour of the Chancellor. The Poet Cowley resided also in Elizabeth-Castle at that period.

Note 52, p. 74.

We borrow from Jenne's History, p. 249, the act of the States for the Proclamation of Charles II. As the book of the States of that period is lost, a translation of that Act will not be unacceptable to our readers. It is remarkable that instead of being merely signed by the Clerk of the States, it bears the signature of most, if not all the members of that Assembly, who happened then to be present.

"Whereas the Rebels have by an horrible crime laid their violent hands on the person of His Majesty King Charles I, of glorious memory, by whose death the Sovereign Crowns of the Kingdoms of England, Scotland, France, and Ireland, fully and lawfully belong by the right of succession to His Highness the Most High and Puissant Prince Charles: We the Lieutenant Governor and Bailly, and Jurats of the Island of Jersey, attended by the Crow officers and the puincipal inhabitants of the said Isle, all with an

heart and voice, Do hereby Declare and Proclaim, that His Highness the Most High and Puissant Prince Charles, is now by the death of our afore-said Sovereign of glorious memory, become by right of legitimate succession and hereditary descent the only true and lawful Sovereign Lord, Charles II, by the grace of God, King of England, Scotland, France, and Ireland, Defender of the Faith, &c. to whom we acknowledge to owe, all obedience, allegiance, honour and service, and we pray our God, through whom King's reign, that he may vouchsafe to establish and confirm King Charles on his throne in the enjoyment of all his just rights, and that he may long and happily reign over us.—And so be it!

God save King Charles the Second!

1648,9 27th of February.

(Signed.) Sir George De Carteret, Baronet, Lieutenant Governor and Bailly.
Sir Philip De Carteret, Knight, Seigneur of St. Ouen.
Amice De Carteret, Esquire, Seigneur of Trinity.

Francis De Carteret,
Joshua De Carteret,
Elias Dumaresq,
Philip Le Geyt,
John Pipon,

} Jurats.

Peter Fautrat, }
Joshua Pallot, } Ministers.

Helier De Carteret, Attorney General.
Lawrence Hamptonne, Sheriff.
John Le Hardy, Solicitor General.

Philip Dumaresq,
Edward Romeril,
John Seale,
James Guillaume,
Nicholas Richardson,

Nicholas Journeaulx,
Isaac Herault,
John Le Conteur,
Abraham Bigg.

} Constables.

Note 53, p. 76.

Since the Government of the island had been placed in 1643 under Sir George De Carteret, he had been unceasingly employed in privateering against the Parliamentarians. The damage that he caused them during the eight years that he was in power, must have been incalculable, as indeed the list which Mr. Falle has extracted from Whitlock memoirs, must have made but a very small part of it. Chevalier mentions in his Chronicle, that among other prizes, there was a very large vessel laden with military stores, for Cromwell's army in Ireland, during his campaign of 1650, the loss of which, according to him, excited the utmost indignation of the rulers of the commonwealth. All these circumstances could not fail to provoke the vengeance of the parliament on Sir George and his loyal islanders. Nor were all the Jersey privateers the property of, or manned by Jersey men; many of them belonged to English loyal refugees. Chevalier mentions a very affecting circumstance about one of those privateers, commanded by a Captain Thomas Amy, one of the Amys from the neighbourhood of Boscastle in Cornwall, and who a little before had followed Charles II, then Prince of Wales to this island. As he happened to be with his privateer at a small distance from the land, he was discovered and chased by some of the parliamentary cruisers. During ten days no tidings were received from him, and the general impres-

sion was that he had been captured. He escaped however from that danger, but his return was marked by a scene of the deepest affliction and sympathy. His wife, also a Cornishwoman, of the ancient family of the Enys, of Enys near Truro, had been overwhelmed with the apprehension, that her husband had fallen into the hands of the enemy. This had brought on a premature labour, in which she and her infant had perished, in the bloom of youth, and an exile from her native land, in the absence of her husband and among strangers. It was her second child. Her monument, a black marble slab, was discovered in good preservation in 1800, in St. Helier's Church, the inscription on which has been several times published, but these above particulars about her melancholy fate are not generally known. I insert the inscription with an English translation.

Hic jacet Garthruda Amy, Charissima nuper uxor Thom Amy Centurionis.
Obit XXIII tio die Augusti : sepulta XXV to ejusdem Mensis, Anno.
Domini, 1647.

Enyseâ de stirpe meum Cornubia partum
Vindicat : Hillarius jam tenet opa sacer.
Per Gallos Sporadasque pium comitata maritum
Defecit huc : visa est sors mihi nulla gravis,
Viximus unanimes et prima prole beati ;
In mundum duplici morte secunda venit.
Pignora dividimus : comitatur me morientem
Mortua : solatur filia prima patrem.

Here lies Gertrude Amy, late the beloved wife of Captain Thomas Amy.
She died the 23d of August, and was buried the 25th of the same month,
in the Year of our Lord, 1647.

Sprung from the race of Enys' auicient blood,
Where Cornish hills o'erlook the western flood,
My mortal part here moulders in the dust,
Resigned to hallow'd Helier's sacred trust.
I followed where my husband dar'd to bring
His loyal service to his struggling King,
And thro' the scatter'd Isles and Gallic shore,
The frowns of fortune unrepining bore,
Connubial days of happy union, prove
A daughter was the pledge of mutual love.
Another birth!—but dark the prospect rose,
And I expired amidst a mother's throes,
Yet ev'n in death those pledges we divide,
The younger infant with its mother dy'd,
The other daughter tarrics still below
To be the solace of a father's woe.

Note 54, p. 80.

The harassing service to which Sir George De Carteret's troops were exposed in consequence of the hostile fleet hovering on various parts of the coast has also been adverted to in Dumaresq's MS. Chap. III. from which it appears that the militia was rendered in a great measure inefficient, because no measures had been taken to supply them with provisions, which they could only procure by a temporary dispersion, of which the enemy took

advantage. It must be owned that in this case, the contest was hopeless on the part of the inhabitants, against the overpowering forces of the invaders, and that all Sir George could do, was to maintain his character of a brave man, and to secure the best possible terms for himself and the Inhabitants. —“ They are generally good fire men ; I may say above the ordinary of country Train Bands, Sir Thomas Morgan having much contributed to reduce them to discipline, especially in marching of them in good order, and did use them often to it, as far as one day’s march would allow. And it were to be wished, that it had been persecuted farther, in the manner as the Train Bands use in England, for some days. For our men having never been used to lye from home, did an enemy attempt us, and hover round the Island, as for some days they may in fair weather and summer time, the people would be at great loss for want of necessaries to subsist, and experience, how to dispose themselves. Upon which account, notwithstanding all the care of Sir George De Carteret at the invasion of the Usurper’s forces in 1651, most of the Train Bands forsook him in the night at St. Ouen’s Bay, before the enemy landed. The inability of most of those that constitute the said Train Bands, to provide further than from hand to mouth, seems a great obstacle, as things are ordered at present, unless some better way for their subsistence at such times were provided.”

Note 55, p. 81.

Little resistance seems to have been made except by Elizabeth-Castle, St. Aubin’s Fort was surrendered at the first summons, and the capitulation of Mount Orgueil Castle was signed on the 27th of October 1651, the Parliamentarians having landed on the 23rd. The capitulation is in Le Jenne’s Appendix, p. 152. That fortress was still the same, as when it was besieged in vain by a Constable of France in the Fourteenth Century, but the invention of artillery and the improved manner of attacking fortified places, had rendered it untenable. The terms were honourable and advantageous for the besieged. Sir George had given the command to his cousin, afterwards Sir Philip De Carteret, Baronet, and Seigneur of St. Ouen, who died Bailiff of the Island in 1663, and who by his feudal tenure owed part of a Knight’s service with two horsemen in that Castle. Captain Elias Dumaresq and John Le Hardy commanded then the militia of the parishes of Trinity and St. Martin. The militia was not yet formed into regiments, but each parish had a particular commanding officer, called its Captain.

Mount Orgueil was thus described, by Mr. Dumaresq, Chap. IV, to have been in 1685, which was also probably the state in which the invaders found it in 1651. “ Mount Orgueil Castle situated upon the point of a high rock eastward, was formerly the only Fort His Majesty had there, called in old records *Castellum de Gurrit* ; of that antiquity that no records speak of its beginuing, and was undoubtedly strong in the time of bows and arrows, the upper tower being sixty-four foot high ; of that beauty and strength that few walls exceed it, being built against the solid rock, that reaches to the top, and overlooks the neighbouring hills for some miles ; but all the

lower part is much decayed, and most of the lodgings ruined, where formerly the Chiefs of the Island, had some houses to receive them in time of danger ;—and there are rents paid for the same to this day.”

The design of slighting it has of late been renewed, and several Surveys taken, but none expressing better the usefulness of it than one taken four-score and ten years since ; the Report bearing date the 10th of September, 1593, viz : “ That the Lords had been credibly informed, that the Castle of that Island is very ill seated, being neither frontire, citadel, nor serviceable for the retreat of the poor inhabitants of the Island in case of need, nor standing near Road, Haven, Harborough, or other place of descent, but most dangerously among wild suuken rocks, is unfit to offend an enemy, or to receive succour ; and towards the land lyeth subject to a mighty hill but 400 foot distant, and so overtopt and commanded by it, that no man possibly can shew his face in defence of this side next the hill, besides many unperfect defences, which gives us good cause to think Her Majesty’s charges already employed in fortifying this Castle, be to small purpose, &c.” We trust that the subject of this note will be worth its length. See also Note 141, at page 141.

Note 56, page 82.

There is a tradition that the siege of Elizabeth Castle lasted six weeks and two days, nor can it have lasted much longer, as the enemy landed on the 23d of October 1651, and took possession of that fortress on the 15th of December following. The date of the falling of that fatal shell has not been preserved ; but a fragment of it is still in the armoury of the Castle. It was a 13 inch shell, and about 2 inches thick, and indeed the largest then in use. Mr. Falle makes a singular mistake, or exaggeration by telling his readers that the shells thrown into the Castle were *thirty inches diameter*. There never were shells of that immense diameter, and it is probable that the historian has mistaken the diameter for the circumference. Even this latter supposition would not be accurate, as it would make the shell much smaller than it actually was. There is also there a pair of military boots said to have belonged to Charles II, in good preservation, and exactly corresponding with the costume observable in paintings of that period.

Note 57, p. 84.

The Battle of Worcester was fought on the 3rd of September 1651, from which Charles escaped, and after many difficulties reached France on the 22d of October following, and by a singular coincidence, on the very day that the parliamentarians landed in Jersey. The Parliament had therefore lost no time after that battle, to annihilate the remains of the Royal party in Jersey. Sir George’s conduct is however inexplicable, that he should have protracted his resistance so long, in a cause that was then utterly hopeless, and when his obstinacy would in all probability be attended with the total destruction of himself and his adherents. But his usual good fortune did not abandon him under those embarrassing circumstances. He obtained permission of his Sovereign to surrender on reasonable terms, and he availed himself

so well of it, that he obtained a most advantageous capitulation. By one of the articles, the Castle was to be given up on the 15th of December, so that the siege lasted about seven weeks. Some very powerful reasons must have operated on the besiegers to have granted such favourable terms to an adversary, who had so little claims to their indulgence.

If we were to hazard a conjecture, it would be that Sir George being in a fortress then thought to be almost impregnable, he could not have been driven from it without a large expenditure of blood and treasure, or the Parliamentarians might have feared that if they refused him terms, he would negotiate to give it up to France. The capitulation was drawn up in Fourteen Articles, by the first of which Sir George obtained a full indemnity for all that he had done, was even exempted from paying any compositions for his property like the other Royalists, was confirmed in the quiet enjoyment of all the possessions he had at the time of the invasion, and what is still more remarkable, is that a grant which he had obtained from the late King for his good services *against the Turks*, though in reality to reward his exertions in favour of the Royal Cause, was confirmed. As this capitulation is an historical document of some importance, we shall, notwithstanding its length present it to our readers. Those services against the Turks, was the redemption of a few Jersey captives from the Algerines. (*Chevalier, Part III, S. 144.*)

(*) Capitulation of Elizabeth Castle, in the Island of Jersey, granted to Sir George De Carteret, by Colonel James Haiaes, commanding the Parliamentary forces besieging that fortress.

Article I.—That Sir George De Carteret shall receive a full indemnity for all he has done during the troubles up to this day; that he shall peaceably enjoy all his goods, chattels, houses, leases, and grants, lawfully to him belonging at the coming of the Parliamentary forces in this Island, that he shall be at liberty to dispose of the said property according to his will, without compounding for it, and to live or die, in the countries subject to the Parliament, without being obliged to take an oath or covenant, provided always that he may undertake nothing against the Parliament, that the said Sir George De Carteret shall be allowed to go to and from France without any hindrance; That he shall have and hold for ever the Lordship of Melech, and that in virtue of a grant made thereof, in the 18th year of the reign of the late King, to reward him for his good services against the Turks, and without compositions, other lands, rents and revenues belonging to the said King from which he is released and excepted by this, and all the succeeding articles, and that one of the vessels now moored near the said Castle, shall be with all its appertinances, at his disposal for his own passage.

II.—That all persons, who are within the said Castle, shall retain all their possessions situated within the Parliamentary quarters, such as they are at present. That they will be indemnified for all they have done during

(*) The original not being at hand, I have been obliged to retranslate it from a French Translation in *Jeune's History*, page 147.

the present war, up to this day ; that a term of nine months shall be granted them to settle for their composition, which is not to exceed two years of their income according to the rate established by Parliament for that purpose, and is to be raised in this Island, by those whom Parliament may appoint for the Islanders, and in England, for Englishmen and others ; that no oath shall be tendered to them ; that they will undertake nothing against the Parliament under pain of the confiscation of their property, and for those who have none, under the penalty of a reasonable sum, of which they shall give security, in case they should remain any longer in the States of the Parliament. That no civil actions for debts or other matters shall be brought against them before the nine months provided by this Article, be expired, and that it will be left to the Parliament's good pleasure, to allow the Seigneur of St.-Ouen to compound for the Isle of Sark.

III.—That no rent hitherto paid by virtue of the Patent then in force, shall be sued for, or demanded, and that no body shall be molested for having either paid or received any.

IV.—That all persons, who may wish to live abroad, shall enjoy their property, as if they were present on the spot ; that they will be allowed to sell it to the best advantage they can, and that they will have passports given to them, when they may require them, to remove themselves, their money, or other goods, where they may think proper, after having paid the aforesaid composition.

V.—That Mrs. Le Montais and Mrs. Scale, and their children, will have passports to go to and fro', and shall possess the whole of their estates without any composition.

VI.—That John Le Brun, belonging to Sir George De Carteret's establishment, shall enjoy without composition his property, which amounts but to eight Jacobuses of yearly rent.

VII.—That if Sir George De Carteret, or any of those who are now with him, should be desirous of going to Virginia, or to any other American Settlement, they will have passports to go there, without being molested in their persons, vessels, servants, or goods, and will be allowed to remain there peaceably, provided they do not undertake any thing against the Parliament of England.

VIII.—That Sir George De Carteret, with all his military and naval officers, either in active service or invalids, together with the private soldiers and gentlemen leaving the abovesaid Castle, shall march out with their horses and arms of all sorts to some convenient place within the Island, colours flying, drums beating, and with all the honours of war, and shall there surrender them to those whom Colonel Haynes shall authorise for that purpose, with the exception of swords for the privates, and of horses, swords, cuirasses, and pistols for the officers, and that in general all the aboye mentioned shall keep their accoutrements of all sorts, with their papers and account books, and without being either plundered, or searched for what they may carry with them.

IX.—That the sick and wounded who may be left in the Castle at the

time of its surrender, shall be particularly taken care of, till the recovery of their health.

X.—That all the prisoners on both sides belonging to this Island, shall be immediately set at liberty, and have the necessary passports granted them to go to their own homes.

XI.—That all persons comprised in these Articles, who may wish to go either to France or England, will have vessels supplied them for that purpose by Colonel Haynes, with provissions for their passage, the whole at the expence of the Parliament.

XII.—That if it should happen, that any officer or private comprised in these Articles, should violate them in whole or in part, that then that violation shall not be imputed to his party, but only to the person who may have been guilty of it.

XIII.—That Colonel Haynes shall cause these Articles to be ratified by the Parliament as soon as possible.

XIV.—That Sir George De Carteret shall deliver or cause to be delivered to Colonel James Haynes for the Parliament, the said Elizabeth Castle, with its guns, arms, ammunitions, and implements of war, together with the provisions, and other matters now being within the said place, as well as the Register belonging to the Jurisdiction of the Isle of Jersey, and the vessels and sloops in the harbour, with all their appurtenances, the whole in good condition, on Monday, *the 15th of December*, if the wind should be fair for St. Malo, save and except his furniture, money, and plate, being his private property, of which an inventory shall be made. Every thing shall however remain in its present state, without any further communication on either side, without the consent of the parties.

Note 58, p. 84.

During the early part of the civil wars, about the time that Major Lydcott and his Parliamentarians were driven from Jersey by Captain, afterwards Sir George De Carteret, the Royalists were overpowered by their adversaries in Guernsey. The consequence was that during the whole of that unhappy contest, the town of St. Peter Port, and the open country remained in the hands of the Parliament, while Castle Cornet held out for the King. All friendly communication between that Town and the Castle was cut off, which in fact was kept in a kind of blockade. Sir Peter Osborne, was the Governor, and received his supplies from Jersey through the influence of Sir George. Both parties unassisted from England, were too weak to make any decisive attack on each other, and therefore Sir George had the mortification to be obliged to leave Guernsey under the oppression of the Parliamentarians. Chevalier's Chronicle is full of details about the difficulties which Sir Peter Osborne had to encounter in that sort of *petite guerre*. It is however further to the honour of Sir George, that, but for his reasonable assistance, Castle Cornet could not have long resisted the hostility of the Parliamentarians.

Note 59, p. 86.

Mr. Falle who lived nearer to those troublesome times than we do, could not speak of them with impartiality. Cromwell's conduct towards the inhabi-

taunts seems however to have been particularly lenient. It was natural that those who had taken part with the Royalists, should be disqualified from holding offices of trust, &c. The composition for the estates of the inhabitants was also very moderate. All properties worth less than £7 a year, or £100 in money, were exempted from that contribution, which considering the smallness of the Jersey fortunes at that time, very equitably relieved the whole of that class, who from their situation in life, must necessarily have been led by others, and who of themselves could not have taken a distinguished part in the troubles. The others were to compound at the rate of two years purchase for their estates within six months, and in case of neglect, the Protector's Receiver was authorised to lease their estates for *seven* years, which after deducting the composition, would yet leave rather more than two-thirds of the yearly rents for the subsistence of the owners. After Lydcott's departure from Jersey in 1643, Sir George De Carteret did not treat his adversaries with the same moderation, the chief of whom were driven into exile and their property confiscated, while those who remained were subjected to heavy fines and long imprisonments. It was much to the honour of the inhabitants, that their loyalty exposed them to the animadversion of the Protector, whose Pardon, if it may be so called, is dated the 14th March 1655, and it is to be found registered in the Records of our Royal Court. A French translation of it has been published in the appendix to Jeune's History of Jersey p. 137. Michael Lemprière, the then Bailly was one of the members of a Commission for carrying it into effect, and it is probable that it had been obtained by his intercession with the ruling powers. It is remarkable that this composition could not have been very rigidly enforced, since the greater part of it was still unpaid in 1655, or four years after the surrender of the Island.

Note 60, p. 86.

There can be no doubt that the Island suffered much at this disastrous period from the violence of an enraged and rapacious soldiery, and that those evils were aggravated by the protracted resistance of Elizabeth Castle. Mr. Le Geyt's father was a Jurat, and was one of those who shut themselves up in that Castle during the siege. That gentleman in a Manuscript Treatise on Entails, thus mentions the losses that his family then sustained: "Je puis ajouter de bon témoignage, que feu mon Père se seroit retiré dans le Chateau Elizabeth pour le service du Roy, lorsque l'Isle fut prise en 1651 par les forces du Parlement d'Angleterre, que pendant que ce Chateau fut assiégé, la maison de mon Père fut pillée, qu'il perdit son meuble, et que par les articles de la reddition du Chateau, il fut contraint de payer deux années de son revenu, sans que jamais on en ait demandé de reconnaissance."—If we were to judge entirely from the Records of the Island, the course of administering justice was not in any manner impeded, at the same time that there can be no doubt, that the inhabitants were severely oppressed by military despotism till the Restoration. Articles of high misdemeanors committed by Col. Robert Gibbons, the Governor, and his Lieutenant, Captain Richard Yearly were exhibited to the Ruling

Powers without effect. It is evident from a preface to those printed Articles, how little the interposition of the civil power was regarded.—“The Bayliff and others being much threatened, and that only for having signed a procuracy here to some of their faithful Patriots in London, which tended only for the good and safety of the whole Island.”—The Bayliff and the *well affected people* (as they called themselves,) had suffered much for their adherence to the Parliamentary cause, and now that that cause had triumphed, they were as little favoured as those who had opposed it most strenuously; an awful lesson that the loyal and constitutional side in all civil dissensions, is not only the most honourable, but in most cases also the safest course! We quote two of those Articles to illustrate our historian, and will barely observe, that both Abraham Becquet and Clement Gallie had claims for indulgence, having formerly been proscribed by Sir George De Carteret for their disaffection to the Royal Cause.

“Art. VIII.—That the said Governour, (Colonel Gibbons,) forces the said inhabitants of that Island together with their cattel, to come and work at the Castle, called Elizabeth Castle, which is surrounded by the Sea, and the manner of approaching the said Castle very dangerous, unless it be at low water, and that for no salary; and about assisting in making divers Reparations, which have always been carried on, more or less, by former Governours, as has been by the present one, though of a truth, it is onely to have opportunity to increase their own Revenue, which has always been observed to be the case, by which contrivance the State is put to great waste and loss of money, and many of the poor people to a great deal of trouble, in being forced to remain at work in the Castle, (as if they were kept in there at work beyond the time used by the worst Governours of former times, which was only during one tide;) so cruell beyond them hath the said Governour been against some of those poor people; and particularly against those of St. Lawrence’s Parish, whom he caused to be kept in at work during the space of two tides, it happening thereupon, that when they were going out of the said Castle, in a very obscure night, five of them were drowned with some of their Cattel: the death, or rather the murder of those persons, having not so much as been examined, or inquired after, although it be evident, their death was occasioned by the said Governour; and some of the Cattel of those poor people having escaped drowning, were found next morning by the Castle walls, and seized by his Souldiers as wrack.

“IX.—That the said Governour contrary to the lawes and customes of that Island, and the rules of warres, and by his arbitrary will hath bastonaded and misused (to the indangering of their lives) severall of the inhabitants, committing them close prisoners, keeping them at his will and pleasure; and when seemeth good, releases them again, and that without the consent or knowledge, either of the jurisdiction of the Isle, or council of warre. And among others, one Mr. *Clement Gallys*, high constable of St. Saviours, of above 60 years of age, and one *Abraham Becket*, merchant; both which persons have very much suffered for their affection and faithfulness to the commonwealth

of England by the losses of their estates, long exile, and imprisonments ; and some others."

Note 61, p. 86.

We beg to refer the reader to Note 46, where we have entered fully into the administration, and the character of Sir George De Carteret.

Note 62, p. 87.

The mace is still carried on solemn occasions before the Bailly and Jurats, and was handsomely new gilt a few years ago ; but is not so frequently paraded as formerly. It is carried by one of the Dénonciateurs, or acting under Sheriffs of the Court. Mr. Le Geyt mentions a circumstance about the honour of carrying the mace, which in our days would appear ludicrous. " Ce sont eux, les Dénonciateurs qui portent la masse. Le Sieur Philippe Payn fut d'abord appointé pour cela ; comme il avait alors obtenu la survivance de l'office de Vicomte, il crut que cet emploi de porter la masse, lui donnerait un poste au-dessus de celui de Dénonciateur, et qu'il pourrait faire comme eux des exploits. Mais il fut fait alors Député Vicomte, puis peu après choisi Justicier, et les Dénonciateurs demeurèrent chargés de porter la masse, comme d'une dépendance de leur emploi, sans aucuns gages." *M. S. Jurisdiction, Chap. x.*

Note 63, p. 88.

The example of the civil wars of Charles I had not been lost. It was the interest of the Island to follow the general movement of Great Britain, whatever that might be, and not expose itself to be crushed in so unequal a contest. It would have been mad and unconstitutional to have adhered to the cause of the unfortunate King James, and though, as it has been already shown, our ancestors took the loyal and constitutional side of the question in their adherence to Charles I, it was certainly highly impolitic to continue their resistance, after his cause had become utterly hopeless, when by a timely composition, they might have averted the bloodshed and devastation which in consequence fell on their country.

Note 64, p. 84.

Many addresses and other official documents of the sort are not registered in the Books of the States, and this is precisely the case with this in the text. But Mr. Falle was one of the Deputation that was sent over to present it ; it is very probable, that it came from his pen, and that through a very excusable vanity, he has perpetuated it in his Book. It is however well worthy of the States of Jersey, and of the loyalty and patriotism of the writer. (*States, 20th Sept. 1692, and Dec. 10, 1694.*) We subjoin the conclusion of the Charter of Edward III, at page 91, which Mr. Falle has omitted. (See *Fœdera, Anno 1341, p. 1067, Ed. III, Part II, Vol. II.*)

" Concessimus pro nobis et heredibus nostris dictis hominibus iusularum predictarum, quod ipsi, heredes et successores sui, omnia privilegia libertates, immunitates, exceptiones et consuetudines, {in personis, rebus, monetis, et aliis, eis, virtute concessionum progeutorum nostrorum, Regum

Angliæ, vel aliàs legitime competentibus, habeant et teneant, nec eis sine impedimento vel molestatione nostri, heredum, vel ministrorum nostrorum quorumcunque, plenè gandeant et utantur, prout ipsi et eorùm antecessores, habitatores dictarum insularum eis usi sunt rationabiliter et gavisì, quæ jam eis in forma prædicta, generaliter, confirmamus.

“ Volentes ea, cum super his plenè informati fuerimus, prout justum fuerit specialiter confirmare.

“ In eujus; &c.

“ T. R. apud Turrin London X die Juliù.

“ Per petitionem de cons' in Parlamento.”

Note 65, p. 95.

Their Commission is registered, in the First Book of the States, 5th of August, 1607. It is in English, and but for its great length, would have been very properly inserted in this work. The registered copy is attested in the Book of the States by the autograph signatures of the two Commissioners. They came over to allay dissensions, and to reform abuses which had grown during the reign of Elizabeth, and the long administration of our Governors the three Paulets. They staid but one month in the Island, and in addition to their other merits they must have been most laborious and indefatigable men, as during that short time they drew up a long Extent or Rental of the King's Revenues, and a voluminous Report of the separate complaints of the Governor, the Jurats, and the People, besides which they sat as judges to hear appeals, two or three hundred of which they decided, many indeed about matters of no great value, but which were all registered in a book for that purpose, which now forms a valuable part of the Records. These Judgments were by their Commission to be final, and from the learning and integrity of the Commissioners themselves, they are nearly as valuable for precedents, as Orders of Council. Their proceedings were approved of by an Order of Council of the 30th of June, 1608, but for some reason or other, it does not seem to have ever been registered. These Commissioners had also a Commission for Guernsey, of which Island Amice De Carteret of Trinity Manor in this Island was then Bailiff. The proceedings of Gardiner and Hussey have every appearance to have been the produce of wise, enlightened, and impartial men, whose visit was calculated to do incalculable good to the Island. As many of our readers cannot have access to the originals which have never been printed, we would refer them to Shebbeare's History, vol. I, from page 230 to p. 240. That writer evidently derived his information from some of the Le Geyt Manuscripts, and except a few of his usual virulent expressions, he may be read in that part with advantage.

Note 66, p. 96.

The tower of the Cathedral of Coutances is visible to the naked eye from several elevated spots, on the East and on the North coast of Jersey. It has even been said that men have been distinguished walking along the sands on the French Coast, and indeed it is not impossible, that black or dark coloured substances may be traced by the naked eye moving on those sands. All along

that coast in the neighbourhood of Carteret and Portbail, the sea leaves a large extent uncovered at low water. It is this passage which runs between the French coast and our own Ecrêho Rocks, which the Abbé Manet calls the *Canal de la Déroute*, from Cape La Houge to St. Malo. According to Captain Martin White's Chart, the soundings at high water from Regneville to meet *le Banc du Violet* off La Rocque in Jersey, are not at the deepest part, more than 80 feet: but as the tides rise there about 40 feet, it reduces the depth to not more than 40 feet at low water. This is a striking fact, and strongly supports the hypothesis of the learned Abbé Manet concerning the immense incroachments of the sea in that neighbourhood. As to Jersey, I have little doubt, that at some distant, and probably now undiscoverable period, it was joined by the *Banc du Violet* to France, and that, judging from the present state of the soundings, Grosnez Point in this Island was a promontory of the continent, forming a bay with the opposite coast, which then reached as far as the Ecrêhos, and was bounded by the land which then existed from La Rocque to Regneville.

Note 67, p. 97.

The *quality* of the soil cannot be altered by its sloping either to the North or to the South, though its productive powers may be materially affected by it. It is remarkable that in this small Island, some of the parishes, and even some small local districts, within a few hundred yards of each other, are often a fortnight, or even a month, sooner or later, in bringing their produce to maturity, according to the nature of the soil and exposure. A light and dry soil with a southerly exposure is favourable to early produce, and for that reason, the harvest in St. Ouen's parish and on the sandy southern coast of Jersey, is nearly a month in advance of the parishes of St. John, and St. Mary. The former land is not however the more valuable for its precocity, as it is afterwards parched up and unproductive through the heats and droughts of Summer. For some years past lucerne has been extensively cultivated with success on those light soils. As to the *difference of air in both Islands*, it cannot be material, though the exception in favour of Jersey, might be as being less out in the Channel, and nearer the Continent, it is better wooded and more sheltered.

Note 68, p. 98.

There is much obscurity in the manner in which our historian expresses his dissent from Mr. Poingdestre. It is evident that a country swelling up with hills, and depressed with valleys, will have a larger surface than a level one; but it does not follow that it will be more productive in proportion as it is more expanded. That is however rather a geographical than a mathematical question, which can be resolved but by the nature and climate of the soil. The point is therefore, if Jersey was a low level Island, would it be as productive as it is now with its hills and dales? The unevenness of its surface renders it more capacious, and in our climate that causes it to be better watered; while from the variety of soils, there is also a greater variety in the quality and quantity of its produce. But a hilly

country, however, in a temperate climate, will have more tracts of barren land, than a level one; so that after all, the advantages of a moderately hilly country and of a level one, nearly balance each other.

Note 69, p. 98.

The Historian might have more fully explained himself. The low grounds and valleys are the most valuable tracts and are naturally very rich. The largest of these follows the South Eastern line of coast, and extends from the Town of St. Helier to Mount Orgueil Castle. It is the best in the whole Island. Another description of lands are the slopes (or *côtils*, as they are technically called,) which line the narrow valleys in every direction. They are not much elevated, but generally steep, and of a light soil, and unfit for the plough or pastures. Some are rocky, and produce nothing but furze. The better kinds of those slopes are planted with forest trees, which grow there with little or no trouble to the owner. There are very few coppices. These slopes surround extensive plateaux of table land, not so rich indeed as the low lands above mentioned, but fit for all the purposes of Agriculture. These plateaux form the largest part of the Island. A stranger on entering the town of St. Helier may see at once this conformation of the country. The town is inclosed by those hills, with their tops surmounted by those table lands at a distance, on one of which the tower of St. Saviour's Church, and Government House are prominent objects.

The declivity of Jersey is from North to South, which rounds off and is continued on the South East and South West sides. That declivity is broken and ramified into innumerable small valleys with their streams flowing towards the sea. The descent towards the sea on the North is not more than a mile wide, in some places not even so much, the waters being discharged through the steep and romantic glens, which divide the over hanging cliffs. A narrow strip of land between the North and South Coasts separates the course of the waters, and in that direction one may go on nearly level ground from Mount-Orgueil Castle to Grosnez Point, by the Churches of St. Martin, Trinity, St. John and St. Mary. The Island though hilly is not much elevated, and Mont-Mado, in St. John's Parish, which is the highest land, is not more than between three or four hundred feet above the Sea.

Note 70, p. 99.

The Quenvais are a small district, which in the midst of a country of the highest fertility present the image of an Arabian sandy desert. Attempts have been made to bring it into cultivation, and under a proper system of Agriculture, that does not seem to be impracticable. The late Sir George Don formed a farm there of about 50 vergées, which at this very moment is still flourishing. The great secret of cultivating the Quenvais is to have recourse to those plants that will thrive in a sandy soil, such as lucerne, rye, &c. Lucerne will secure a sufficient supply of green food as well as hay. It is true that the Quenvais have been covered with drifts of sands, and that the subsoil may be a rich mould, but the expence of uncovering it would be immense, besides

that these drifts of sand would render that an endless and therefore ineffectual labour.

The sand is brought up by the westerly gales, and is hurled over the first land that comes in its course. It is evident to any one who views the coast and the line of hills, that the wind has the power to carry the sand from the beach in a suspended state only to a certain distance, when from its own gravity, it falls and covers the land that comes within its range. It is therefore evident that the whole tract can never be productive but of saline and arenaceous plants; but it is equally obvious, that under a judicious system, its sterility might be removed, and the whole be rendered valuable to a certain extent.

There is a tradition that the Quenvais were not always thus desolate, and that they were overwhelmed in ancient days for the inhumanity of the inhabitants, who plundered five Spanish vessels wrecked there on St. Catherine's Day, the 25th of November. It is further asserted, that the subsoil is a vegetable mould, and that even remains of buildings have been discovered in some places, where the sand has been removed. It is unnecessary to have recourse to the wonderful legends of ignorant ages, when the phenomena of nature may be accounted for by natural causes. If the Quenvais were ever uncovered with sand, (and I believe it to have been once the case), it was when the coast of St. Ouen's Bay, projected farther out to the westward, and that the high winds were not able to raise the sand from the then line of coast, and to keep it suspended long and far enough, to fall like a shower on the since devoted district. It is impossible to fix the precise date when the encroachments of the sea happened on that coast, though that such a catastrophe has happened, is evident, from the circumstance that the stumps of oaks are still seen at low water at l'Etac in St. Ouen's Bay. (See Note 97 and 98).

The traditions attached to those oaks are a further corroboration of the supposition, that when the tract off l'Etac was submerged, the Quenvais, in consequence of the coast having been altered and straitened, were overwhelmed by the sand.

Mr. Falle wrote about 1734, and 250 years before that, the date would be 1484, when he says the Quenvais were overrun with sand, in consequence of the divine vengeance having fallen on the inhabitants of that tract. But according to the Jersey Chronicles, chap. iv. p. 12, while half of the Island was in the possession of the French from 1461 to 1467, Philip De Carteret while fishing in St. Ouen's Pond was surprised by a party of the enemy, who came along the beach, and escaped almost miraculously by the fleetness of his horse.

“ Le Seigneur de Saint Ouen était un jour à sa mare, proche la baye de St. Ouen, pour y prendre du poisson d'eau douce, les Français vinrent secrettement *entre le gallé et la mer le long de la grève, le pensant surprendre et l'emmener prisonnier.*”

Now if the coast had not yet been encroached upon; and the beach had been two or three miles from the pond, Philip De Carteret could not have been thus surprised. On the contrary, if the pond was then as at present

separated, but by a narrow sand ridge from high water mark, it was very easy for an enemy to have crept unseen along the shore. Indeed I am of opinion, that the catastrophe had happened some centuries before, and that the story of the Spanish wrecks, as far as the marvellous part of it is concerned, is a mere fable.

Note 71, p. 99.

The proportion of barley to wheat now cultivated, is much less than in the days of Mr. Falle, nor is there much now converted into bread. What is consumed on the farm, is ground into meal with beans, and used to fatten swine. The general prosperity of the country, or rather the good effects of the economy and industry of the population, have placed them above having recourse to such a homely fare. And indeed barley bread would now be as little heard of in Jersey as in the South of England, were it not for a few individuals, who still have some made either from choice, or from curiosity.

Note 72, p. 100.

It is not improbable that at some former period, when the Island was less populous, and the town of St. Helier inconsiderable, it might occasionally have produced a small surplus of corn for exportation. It must also be observed, that barley was then universally made into bread, that the cultivation of potatoes did not yet exist, and that many patches of inferior land, which are now either planted with timber, or turned into pasture, were then under tillage. This appears from many parcels of land, mentioned as the *déserts* or *novals* of the clergy, which have ceased to be tilled from time immemorial, but which would not have been mentioned as tythable, had they been totally unfit to be tilled. The exportation of corn has sometimes been allowed, and sometimes prohibited. An Act of the Court of Catel, 18th June, 1534, and an Order of Council, of the 26th of October of the same year, encourage its exportation. The History of Jasper Penn and the Spanish Merchants, mentioned in the Jersey Chronicles, Chap. XVIII, is also of the same nature, as well as the Report of the Royal Commissioners, Gardiner and Hussey. (*Complaints of the Inhabitants, Art. 16.*) But instead of multiplying examples, we subjoin Mr. Dumaresq's authority: Chap. I.—“The Island that could heretofore *not only maintain its inhabitants with corn*, but also export some, as by the often prohibitions may be read in our ancient Roles, is now obliged to depend upon foreign corn.”

Note 73, p. 100.

It would be difficult to ascertain the rise and progress of the stocking manufactory. It must have been already very considerable more than a century before Mr. Falle, as the States of that time seem to have been seized with the same panic as the worthy historian, that this thriving manufacture was prejudicial to agriculture. We quote part of an Act of the States of the 21st of April, 1608. “Pour autant que partie de l'occasion de l'escarcité des blaeds provient du deffault du labouraige, en ce que les laboureurs ne soat point pourvus d'aide aux saisons nécessaires de leurs

labourages, parce que plusieurs personnes vallides et paissants s'occupent à l'œuvre des chausses, desdaignant le labourage, les autres mendiant, qui autrement pourroient travailler : A ces causes, il est trouvé expédient que l'œuvre des chausses et de mesme espèce, cesse en toute cette Isle, durant les saisons du Vraic et de l'Aoust, entre toutes personnes au-dessus de Quinze ans, sur peine de forfaiture de l'œuvre qui sera trouvée entre leurs mains durant lesdites saisons ; Et commandé d'aider aux labourcurs esdites saisons au prisz ordinaire, sur peine de telle pugnition qui sera jugée par Justice.

“ Quand pour les mendiens, il est deffendu que aucun n'ayt à tourner hors sa Parroesse, sur peine de pugnition comme vacabonds ; et mesme que aucun ne tourne, qui puisse travailler, et qu'il ne soit approuvé par le Connestable et gens de bien de sa Parroesse, suyvnt les Ordres précédentes.”—(See again at Note 114.)

Note 74, p. 100.

Before the peace of 1814, the deficiency of corn and flour was supplied from England, so that Jersey had to pay its bread dearer than it was sold in the parent state.

The communication with Southampton was then very irregular, and when the coming in of the Traders was sometimes delayed by contrary winds, the people were seized with a panic, as if they had been menaced with a temporary famine.

During the scarcity, or the *dear times*, as they are emphatically called, of 1800 and 1801, bread was sold as high as Sixpence a Pound. The population is now almost double of what it was in 1800, and is principally maintained on corn imported from Dantzic, and other parts of the North of Europe.

Note 75, p. 101.

It is very doubtful whether those fences occupy so large a proportion of the Island as Mr. Falle supposes. Since his time many of the small inclosures have been destroyed, and some of the bye lanes in the country have been abolished. The number of inclosures must however be in proportion to that of the farms, or else, agriculture would soon experience all the inconveniences of an uninclosed country. On some farms where the inclosures have been unnecessarily diminished, one is sometimes obliged to keep cattle in the stable till the harvest is got in, especially in the soils where they could not be *tethered* with safety, and where their getting loose would cause a very great injury to the crops. Add to this that the removal of those hedge rows is particularly destructive to Orchards, which cannot exist, or at least be rendered productive, without shelter. Our ancestors must have entertained a very high opinion of their utility, as they could not have been raised without a great deal of expence and perseverance.

Note 76, p. 101.

These different kinds of roads still remain as in the days of our Historian, except that they are managed by a set of Regulations adopted by the

States the 8th of April 1812, and confirmed by an Order of Council of the 8th of May, 1812. The Island is now traversed by military roads in every direction, which are equal to the best English Turnpike roads, and are maintained out of the funds at the disposal of the States, without any tolls from the public. The Island is indebted for the first construction of those roads to the late Lieut. Gen. Sir George Don, who was Lieut.-Governor of Jersey from 1806 to 1814. Before that time the roads were very indifferent, and extremely dangerous, or rather unfit for any kind of gentleman's carriages; few of which indeed were kept. As to the Midsummer Perambulation of which Mr. Falle gives such a solemn account, it is still kept up, and our readers may not be sorry to contrast it with the ludicrous account of the same ceremony as given by Dr. Shebbeare, an author however whose candour we are far from recommending. (*History of Jersey, Vol. I. Chap. X. p. 279 & 280.*)

“But the Viscount's days of greatest import are those in which he surveys the high roads of his sovereign; and then indeed his pomp and magnificence are adequate to the dignity of the occasion.

“Every parish is annually to be inspected, and each of them to engage the cogitation of a day. On this festival, for they are fed for their trouble, the jurats, the constables, centeniers and sermentés, attend the viscount. He mounts his viscountal horse, with his viscountal staff of office, perpendicularly erected on the viscountal pommel of his viscountal saddle, and thus superbly advances in quest of adventures on the public road.

“Whatever branches of the trees have the misfortune to affront, by their touch, the dignity of his viscountal staff in the procession, they are sentenced to the ax, and the roads to an amende, wherever they are defective in duty.

“In this review the viscount and his attendants are the judges of the paths and tracks below, and the horse decides of the offending branches which are above, and the objects of their judgment are inverted. For the boughs incommode not the horse, nor the roads the rider. However, though these powers of judgment are not distributed, they are equally divided between man and beast, in which they are alike concerned, and this seems to be the justest distribution of judgment that is practised in the Island.

“This mode of examination is, peradventure, to this day, undiscovered among the most civilized nations in the universe. Yet such is the nature of this inquiry, that although the viscountal staff and the viscountal saddle may be invariably the same, yet the viscountal horse has no constitutional standard. This is certainly an egregious omission in the laws of that island. For when this officer is mounted on a Jersey gelding, of twelve hands high, many a branch escapes the ax, and fire of the law, which are doomed to that perdition, when he is mounted on an English steed of sixteen hands high.

“But the Jurats and the other officers solemnly attend to moderate the fines according to the different judgments of the respective horses; and these fines must not exceed fifteen *sous*, or eight pence English. On these national occasions also, the King is supposed to entertain the company, the expense

being discharged by his receiver. Yet such is the result of this union of injudicial talents between man and beast, this parade and feasting, that no country can produce more execrable roads, nor a people more pertinacious of keeping them in that abominable condition."

Note 77, p. 102.

The Grant of the Perquages is found among the Records of the Royal Court, of the 18th of July, 1663; it is in Latin, dated the 30th of May 1663, and bestowed on Edward De Carteret in consideration of his own and his late Father's, Sir Philip De Carteret's services to the Royal cause. The sale of the Perquages was injudicious; they might have been made into good roads leading to the Sea, and have thus rendered the superstition of former ages subservient to the advancement of modern civilization. The *Franchise d'Eglise* or taking Sanctuary existed in this Island, some instances of which are yet to be found in our early Records; the usage itself fell as we apprehend, with the progress of the Reformation, and without any positive abolition. The Chapter of the Great Coutumier of Normandy, which contains the law about taking Sanctuary is so curious, and is comparatively accessible to so few of our readers, that we may be excused to give it in this place.

Chap. LXXXII. *De Damnez et de Fuytifs.*

"Se aucun damne ou fuytif seufuit à léglise ou en cymitiere, ou en lieu saint, ou il se aert à une croix qui soit fichée en terre, la justice laye le doit laisser en paix pour le privilege de leglise, si quelle mette la main à luy, mais la justice doit mettre gardes quil ne senfuye dillec Et sil ne se veult dedans neuf jours rendre a la justice laye ou forjurer Normendie, la justice ne souffrira dillec en avant que on luy apporte que mengier a soustenir sa vie jusques a ce quil soit rendu a justice pour en ordonner selon sa deserte, ou jusques à ce quil offre a forjurer le pays. Et il forjurerà en ceste forme. Il tendra les mains sur les Saintes Evangiles et jurera que il partira de Normendie et que jamais ny reviendra, quil ne fera mal au país ne aux gens qui y sont pour choses qui sont passée, ne les fera grever, ne grevera, et mal ne leur fera, ne pourchassera, ne fera faire ne pourchasser pour soy, ne par autre en nulle maniere. Et que en une ville ne gerra que une nuyt, ce n'est par grande deffaulte de santé, et ne se faindra daller tant qu'il soit hors de Normendie, et ne retournera aux lieux qu'il aura passez, ne a autres pour revenir, ains ira toujours en avant. Et si comencera maintenant à sen aller, et se doit dire quelle part il voudra aller, si luy tauxsera lon ses journees selon la force et la grant quantité et longueur de la voye. Et si remaint en Normendie depuis que le terme que on luy donnera sera passe, on se il se retourne une lieue en arriere, il portera son jugement avec soy, car desque il sera alle contre sou serment, Sainte eglise ne luy pourra plus ayder."

The following Act of the Royal Court, shows how that law was executed in Jersey, and that offenders instead of being brought to Justice, were kept in safe custody within the Sanctuary, till they could abjure the realm

—A custom still exists in our criminal proceedings, probably derived from, or at least modified from that ancient practice, which is, that when a prisoner is first brought to the Court, *he demands that* in order to stop all further proceedings, he may be allowed to leave the country (*à vider le pays,*) which when the offence is not very serious is often granted, and the prisoner is then generally banished either for three or five years. This practice might appear at first sight like a compounding for felony, but in a country abounding with strangers, it is an expeditious way of getting rid of many notorious characters, whom it might be very difficult to convict, and it is further to be remarked, that this indulgence is never granted to persons charged with offences which would amount to felony. We conclude this note with that old Act of the Court.

L'An Mille Vts XLVI le derrain jour du mois de Janvier, par devant Monsieur le Bailly, presens Helyer de la Roque et Richard Dumaresq, Juretz. A St. Martin, Sur ce que le Vicaire de St. Martin envoya a Monsieur le Bailly le XXVII jour du mois de Janvier mille Vts XLVI une bille soubz le signe manuel dudit vicair, comme ung nommé Thomas Le Seilleur avoit prins franchise en l'église de St. Martin, ainsi comme il est contenu en ladite bille. Sur quoy le bailly donna charge au Vicomte, qu'il signifiast au connestable, chantenyer, et vintenyers de ladite paroisse, qu'ils eussent à garder que ledit Seilleur ne soy transportait hors de ladite eglise decy a ce que Justice fust plus amplement advertie dudit cas. Ce que aujourd'hui ledit vicomte a recorder en justice. (*Cour du Samedi.*)

Note 78, p. 103.

The Island is too completely of the primitive formation, to leave us any hopes that lime or chalk will ever be discovered in it; and to get either from other countries would be too expensive, nor does it produce marle in sufficient quantities to be generally useful. Within these few years, oyster shells after having been either burned into lime, or bruised under the wheels in the road, have been applied to manure the land.

Note 79, p. 103.

The importance of that sea-weed has been so generally felt, that there is no subject, for centuries past, which has caused more litigation, or oftener occupied the local legislature. The quantity of drift sea-weed that comes in at times in some of the small creeks between St. Ouen's Bay and Grosnez Point is amazing, and is divided by proper officers among the farmers of the neighbouring parishes, who may be present on the beach. The allotments are according to the size of the estates.

The right of the Royal Court to fix the time for collecting the *Vraic* was fully confirmed by the Royal Commissioner's Gardiner and Hússey in 1607. (*See complaints of the Inhabitants, Art. 23.*)

“ We doe therefore order, That the saide Bayliffe and Justices only, being in our opinions men of the best understanding and experience to deal in a matter of that nature, which soe much concerneth the common good, shall, from henceforth, as formerly *they have done yearly*, and at all times needful

make and sett downe all orders whatsoever, they finde to be moste convenient both for the places where, the times and seasons, when the saide vracke shall be gathered, and for the manner how the inhabitants shall performe the same.

“ And that it shall not be lawfull for any particular Lord, or for any other persons, upon his fee, or fees, to grante any licence, or sette downe any course concerniuge the same, to the impeachiuge of this our Order in any wise.”

The vraic is allowed to be gathered by an Order of the Royal Court, called *l'abandon des Vraics*, formerly for *three* spring tides early in the spring, but now only for two spring tides. The Summer vraic is allowed but for only one week. The time is fixed according to the voices of the majority of the Constables, who make a report to the Court of the sense of their parochial assemblies. The decision of the Court is then proclaimed to the people by the proper officer for that purpose.

Note 80, p. 103.

The ashes of the Summer Vraic are particularly valuable for the cultivation of wheat, and there are many poor people along the coasts of the Island, who get their livelihood by collecting drift vraic and burning it into ashes, which they sell to the farmers usually at the rate of one quarter of ashes for a cabot of wheat, or eight parts of the former for one of the latter. Vraic is now ploughed in mostly for the raising of barley and potatoes. Its manuring effects on the ground are not supposed to last more than one season, and though it increases the crops of potatoes, it is said to make them grow knotty and of an inferior quality. When spread out on grass, its effects will depend on the season; if the weather is moist, and with gentle showers, the vraic soon gets decomposed, and will produce abundant crops of hay; but if there is a drought, it is shrivelled up, and becomes totally useless.

Note 81, p. 103.

It must be acknowledged that the largest and most fruitful parts of Jersey, if left to a state of nature would soon be overrun with wood. But whatever *may be the humour of the inhabitants*, it is evident that a cider country like their own, must be wooded, and that it would be impossible for orchards to thrive without shelter.

Note 82, p. 103.

There can be no doubt that “ *so much shade is prejudicial to the growth of corn and pasture*; but the question is whether in the present state of things it would be better for Jersey to be a corn than a fruit conatry. While its population is so numerous, and corn can be procured on reasonable terms from other countries, it would not be advantageous, even if it were possible, to make it the chief article of its agricultural produce. It is seldom that timber grows there to any largest size, though occasionally very fine sticks of oaks, elm, chesnut, and ash are to be found. One might add to Mr. Falle's reasons for this peculiarity, that timber is generally felled before it has reached

Its full growth, that the best lands are never planted, and that the greatest part of it is crowded on the slopes, where the deuseness of the plantations and the poverty of the soil prevent its ever arriving at any perfection.

Note 83, p. 105.

Mr. Falle's statement wants explanation. There is no crop so precarious as that of apples. A blight, or a thick fog, when the trees are in blossom, will utterly destroy in one night the hopes of the year. Hence there are sometimes successive years with scarcely any apples. Generally speaking however, the years alternate, and after a good crop, the trees will have fewer blossoms, and perhaps from their having been exhausted the preceding year, they are not so well able to resist the blights. Hence total failures. Sometimes also there will be favourable crops successively, as in 1822, and 1823; 1828, and 1829; 1832, 1833, 1834 & 1835. In 1827 & 1831, the failure was so total, that there was not even table fruit for the market, which was supplied from England, and most Jersey families were obliged to substitute beer for cider.—What would Mr. Falle say if he were alive! There is comparatively but little cider drank in the Island; many of the public houses do not even keep any, and a great part of the population seem to have permanently substituted beer to that wholesome beverage. The baleful consumption of spirituous liquors has also prodigiously increased at the expence of the agriculture, the health, and the morals of the people. The farmer no longer finds, as in good policy he ought to do, the means of disposing of his surplus produce for the home consumption of the country. He is become dependant on the English market for the sale of his fruit and cider, the latter of which is mostly sent at considerable risk and expence to Bristol. As to the best fruit it is sent off to different parts of England, which are in fact more accessible to us than to the cider countries. Hence it is the English market that regulates the prices of our cider and fruit, both of which here are comparatively of small value, when there is a good crop in England. The most favourable years for the Jersey farmer, are when there is a middling crop and a brisk exportation trade, as was the case in 1828. The fruit exportation trade has however one bad effect, that the best is picked out and sent out of the country, and that the refuse is either made into cider by itself, or mixed with those sorts of apples that are unfit for the English market. This is another cause for the too prevalent inferiority of the Jersey cider. Occasionally cargoes of cider apples are sent over to be made into cider in England. Within the last forty years, potatoes have been extensively cultivated, a large surplus of which after supplying our own shipping, is exported to different parts of the world. The mangel wurzel has also been cultivated of late years with success.

Note 84, p. 106.

The whole of this passage requires a great deal of explanation. The trees are planted generally speaking in the regular manner that the historian de-

scribes, but they seldom attain the large size they do in Herefordshire, or in Normandy. Our apple trees are small and short lived. The late Revd. F. Le Couteur (*) who published a treatise on cider in 1806, attributes it to our raising them from slips and not from seedlings. The Jersey orchards are however entirely free from the misletoe. Cider, or rather fruit, is now, if possible more plentiful than at any former period. But the fatal habit of drinking spirits has unfortunately so far prevailed that the consumption of cider has much decreased. We are not to rate the value of orchards by their extent, as there is no produce which varies in the same proportion. One vergée of good orchard ground will produce more than five other vergées in bad condition, which may be owing to the poorness of the land, want of shelter, decayed plantations, mismanagement in not manuring, or by turning cattle loose among the apple trees. The inferiority of cider is in many cases owing to an improper assortment of apples, and to the best fruit being, as I have already observed, exported to England, which leaves but the *windfalls* (*quétines*,) and the refuse of the crop for the mill. Cider after a time gets strong and heady, but it is by no means pleasant, and it is now very uncommon to see any one intoxicated with such a beverage. The Jersey cider may be made as good as that of any other country, and will keep as long in bottles; it is only to want of good management, that its present inferiority is owing.

It is the misfortune of ordinary cider that it will not like wine improve in the cask, and hence the *old cider* (*or more than a year old*) is always sold at a lower price, as being of an inferior quality. A cheap and easy process to make it susceptible, either by destroying its mucilage or otherwise, to improve in the cask, is still a desideratum of the highest importance. It being universally acknowledged that a great deal of the inferior cider is owing to the bad process in making, the Society of Agriculture lately established in this Island, has published in the local newspapers, a receipt for the cheap and practical manufacturing of that Article, a copy of which it gives us pleasure to insert in this Note.

“ The Honorary Secretary of the Agricultural Society having written to Mr. Knight, the President of the Horticultural Society of London, respecting the best mode of manufacturing cider, has the satisfaction to offer that scientific gentleman’s opinions on that subject, for the consideration of his brother farmers, as meriting their best attention.

“ In making cider, the pulp of the apple should be thoroughly reduced by long grinding, and by exposure, till it acquires a deep colour. The pulp of the Siberian bitter sweet will acquire nearly a chocolate colour. During this grinding much oxygen appears to be taken up and sugar to be formed, which never existed in the apple.

“ In Herefordshire, where the quantity of cider made is very great, the newly expressed juice is put into casks, which are exposed to the open air,

(*) That gentleman was Rector of Grouville, and died in 1808. His Treatise was afterwards translated at the request of the late Sir John Sinclair, and appended to Pitt’s Survey of Worcestershire.

rain, &c., and owing to the cold of the nights, the liquor sooner becomes bright, when it is racked off into another cask.

“When the quantity to be made is small, the juice is placed in open tubs, uncovered, in buildings, through which the air passes freely; and then it usually becomes bright in about sixty hours.

“It is a common practise to invert the cask into which the new cider is to be put, and to burn a match of half an ounce of sulphur in it; and when the fruit has been of good kind, and ripe, no further visible fermentation takes place; but when it does, our cider makers draw the cider off into another cask, as soon as it shows a disposition to ferment, again employing a match as before: but cider which requires to be frequently thus racked off, is never, to my taste good, as it will always contain, though it be sweet, some acetous acid.

“A continental chemist (German, I believe), Mr. Leuches, discovered that newly burned charcoal, reduced to a fine impalpable powder, possessed the power of checking the fermentation of new wines, if applied in the proportion of seven pounds to one hundred and five gallons of the liquor. I have used it in cider making with beneficial effects; it takes down a little of the colouring matter; but that is of no importance, as it does not, I think, take down any thing else.

“I drew off a hundred gallons of the juice of the Siberian bitter sweet last autumn, and put it into a cask, with seven pounds of powdered charcoal, and immediately closed the cask, with a bung of *heart oak wood* (with pores), and applied pitch over it, the cask being in a cellar, which is a very unfavourable situation, on account of the uniformity of its temperature.

“My butler and myself visited the cask every day to ascertain whether any renewed fermentation would take place, but it has remained perfectly quiet.

“Two or three farmers, last year tried charcoal, but improperly, and one of them thought that it rendered the cider weaker; but I suspect it was only less harsh; and it has been admitted to have kept remarkably well without tendency to become acetous.

“The most intelligent person amongst them tried different portions of charcoal in different casks, and found that much best, which had its full quantity of charcoal. He also observed that the cask into which the largest quantity of charcoal was put, retained its contents unchanged, though slowly drawn off in small quantities.

“Charcoal is employed in taking down the colouring matter of sugar without forming any combination with the sugar itself, and therefore I imagine that it takes down only a portion of the colouring matter of cider.

“It is so much the fashion with innkeepers and cider merchants, to colour their cider highly, that I have rather a partiality for pale cider, particularly if it present more taste, flavour and body than its colour indicates.

“Respecting the Siberian bitter sweet, as a cider apple, I only fear that it will ripen too early in your climate, and that, if the weather be warm, fermentation will go on too rapidly.

“I enclose a graft of an apple which I expect will afford most excellent cider, and be a fair dessert apple : the Herefordshire Gilliflower.”

The writer of this Note having lately observed to an eminent and scientific distiller, that there must be some very essential difference between the juice of the apple, and that of the grape, because the former got harsh and unpleasant, while the latter generally improved by age; he replied that it was owing to the superabundance of mucilage in the apple, and that by its precipitation or removal, it became as susceptible of being as easily kept, as the juice of the grape. He produced several specimens, in which his process had been completely successful, the particulars, and the receipt for which he did not mention.

Note 85, p. 107.

We know not where our historian procured his information, the accuracy of which seems to be very doubtful. Cider must have been the beverage of the country from a much more remote period. In the claims of expences quoted in Note 120, incurred in blockading Mount Orgueil Castle in 1487 there is an item for *twelve pipes of cider*. The besieging party consisted of twenty-five men, so that during that siege which lasted half a year, it would have been an allowance of something less than two quarts a day for each man. In looking over our Records, it is singular that I found two Acts of the Royal Court, stating the low price of cider as being even something less than that of beer. Probably Mr. Falle's mistake arose from not considering that there are years when the apple crops totally fail, and that in consequence one is obliged to have recourse to beer, as was the case lately after the complete failure of 1831. Probably it was in one of those that the importation happened, if it ever took place. Allowing the garrison to have consisted of 100 men, which was more than it probably did, and that each man had two quarts of beer a day, the 150 tuns would *have lasted two years*. There are several other documents about cider in the Records; but not to multiply authorities we merely quote the following. It is remarkable that one of the under quoted Acts is of the 1st year of Queen Mary's Reign, 1553.

“Il est ordonné que nul ne soy ingere de vendre la cervoese a plus hault prisz que de huyt denyers le pot, et sept denyers le pot de sildre, premier que chascun vaesseau de sildre ou de chascun brachin de cervoese, le conestable avecq deulx hommes de bien de chascune paroesse ne ayent gousté lesdits brevaiges, et myns a moydre prisz, voyent qu'il soit expedient, le tout sous la paine de cent sous de admende, maintie au Roy et maintie a estre departy entre l'accusateur et le bien commun de la paroesse pour chascune foys qu'ils seront delinquants.” (*Samedi XVII Aout 1549.*)

Le Froment fut taxé le XVe. Aout 1549 à 7 sous le Cabot.

“Il est ordonné par Monsieur le Capitaine, Monsieur le Bailly, la Justice et Commun Conseil de ceste Isle, que nul ne soyt ingere de vendre sildres en detaill fors ceulx qui sont ordonnes pour tenir taverne. Et que ceulx qui a ce sont ordonnes ne vendent sildres se non qu'il soit bon, competent, et raisonnable. Et de ne le vendre a plus hault prisz que sept deniers le pot,

decy a ce que aultrement y soit pourveu, sur peine de soixante sous d'ad-mende pour chaque fois. (*V. Cour du Samedi, 23 Sept. 1553.*)

That as 12 Pipes of cider were worth but 14 *escus* or french half-crowns in 1488, it was not more than 4 deniers a pot, or a little more than half of the 7 deniers which it was worth in 1553, a very low price indeed! On the 15th of August 1549, the Court taxed the price of rent wheats at 7 sous a cabot, so that a cabot of wheat would at that rate have purchased 12 pots of cider.

“ Il est commandé aux Connestables faire approcher les Taverniers de leurs parroesses, et adviser par le Conseil de leurs parroessiens les plus capables. Entretant, considérais l'abondance des vins de ceste année et des sydres pareillement: Il est ordonné que le meilleur vin de Gascogne soit vendu à quatre sous le pot, et l'autre vin au dessoubs, selon sa qualité, le bon cidre demi gros, et la bierre d'Angleterre pareillement, sur peine de Dix Francs, à qui contreviendra cestes présentes.” (*Etats 31 Octobre 1603.*)

The Court of Héritage prohibited the sale of French Cider on the 21st of April 1619. These prohibitions were frequently renewed till the matter was finally settled by an Order of Council in January 1820, which prohibited under severe penalties the importation of French apples and cider.

We conclude this long Note by reminding our readers, that our ancestors, in olden times, were fond of spending their money in the uncertainties of the law, and that our Records contain an Order of Council, on the appeal of one of the parties about the yearly rent of one hogshead of cider!—(*See Saturday's Court, No. 36, 22 Jan. 1630.*)

Note 86, p. 107.

Those streams issue out of the innumerable little valleys into which the Island is diversified. Many of these have a circuitous course of several miles, and rising mostly at about a mile from the North coast, flow in a southerly direction, the most considerable of which, after turning several mills, fall into St. Aubin's Bay. In dry seasons many of the wells, as well as the rivulets want waters, which is attended with much inconvenience. The most remarkable wells are one in Mount Orgueil Castle, and another in Fort Regent, which was sunk about thirty years ago, and is more than 200 feet deep from the surface of the hill, and goes down considerably below the level of the sea. Elizabeth Castle is badly supplied with well water, and its chief resource is principally from rain water preserved in cisterns.

We close this note with two stanzas descriptive of the scenery of Jersey :

I.

“ Rugged and dreary rise stupendous cliffs
 “ Dash'd by the spray of many a billowy heap,
 “ While from their giddy heights, like some frail skiffs,
 “ The tallest vessels slowly seem to creep
 “ Beneath them on the surface of the deep.—
 “ A lower coast, and prospects ever new
 “ Of smiling scenes, succeed the craggy steep ;
 “ While far from sea, admiring strangers view
 “ Fair Jersey's woodland slopes, and fields of greenest hue.

II.

" A thousand springs gush from th' adjacent hills,
 " And pour their waters thro' embow'ring groves,
 " And grassy meads, in fertilising rills ;
 " While as the eye along the landscape roves,
 " With rapid glance, a living picture moves
 " Of happiness in each secluded dale,
 " Where dwells a numerous race, whose labour proves,
 " That frugal food and pleasure shall not fail,
 " While health is in the clime and coolness in the gale."

Note 87, p. 107.

There have been several mineral springs discovered in the Island, at different times, but hitherto from whatever cause, none have obtained any degree of popularity. The same may be said of ores and minerals, which exist in such small quantities, that in a country like this, where there are so many of other employments, they would not pay the expence of working.

Note 88, p. 108.

The observations of the Historian were perfectly correct in his time about the excellence of the Jersey meat ; but the case has long since been much altered, the markets in time of war being supplied with beef at an advanced price from England, as high as 15 pence a pound, and during peace with bullocks from France. Except veal, very little Jersey meat is to be had in the market. Since the farmers have found the advantage of their dairies, and of rearing heifers for the English market, very little cattle is fattened for the butcher.

Note 89, p. 108.

The rearing of sheep is little attended to in Jersey, where the country is better adapted to other kinds of produce. Some English sheep may be kept here and there by a few experimentalists, but the Jersey breed, which is not numerous, is small and stunted ; it may be seen cropping the scanty herbage growing along the cliffs on the North and the West coasts of the Island, in places and on pastures where no other live stock could exist. The wool is fine, but generally black or dark coloured, and the lamb is in high repute for its delicious flavour.

Note 90, p. 108.

To whatever cause it may be owing, the Island does not now supply a sufficient number of horses for its wants. English and French horses are frequently met with. As to the healthiness of these animals and the absence of Farriers, Mr. Falle, may be taken at his word. Some of those gentlemen have lately come to exercise their benevolent art among us. I have almost to apologise for an omission in the learned and polite phraseology of modern science ; I should have said *Veterinary Surgeons*.

Note 91, p. 108.

Game, is daily becoming more scarce, and on account of Agriculture, and the temptations to which it exposes the labourer, it is to be hoped, that it may

in time be extirpated. The markets are however plentifully supplied with French game. There are very few hares; and even rabbits, except in a few warrens, are yearly decreasing. If unfortunately a breed of foxes should be introduced in this Island, and they were to get among the cliffs, their extirpation would be almost impossible. The Jersey partridge here mentioned had been probably brought in at some distant period, but was totally destroyed during the late war. The common grey partridge was subsequently introduced, but that breed is now also in a rapid progress towards its extinction. It is not however the fault of the law; the Jersey Code of Laws of 1771, protects the lives of hares and partridges with almost as much tenderness as that of many good Christians. Yet for all that, hares and rabbits have been more persecuted than ever, the law itself has been derided, and where its benevolent interference has been invoked, it has been attributed to a tyrannical and anti social disposition in the prosecutor.

Note 92, p. 109.

Mr. Falle was wrong to entertain any doubts about the new Philosophy; but if his expressions are to be understood *politically*, how many creatures have there not been discovered in this age of Reform and Radicalism to proceed from corruption and to fatten on the vitals of their country, till the rough hand of an indignant public cuts them off? Or where he to rise from his *peaceful grave*, would he not be grieved to see how many and baneful abuses have proceeded from corruption, which have especially in modern times deluged the world with blood, and caused that general devastation, from which Europe is but just now recovering.

Note 93, p. 110.

The salting of congers was of so much importance to our ancestors, that it was expressly made one of the Articles of King John's Charter. In those ages when the Islands had very little trade, the attention of the inhabitants was probably directed to this, as to a most valuable fishery. How long the fishing of congers on that extensive scale continued, is unknown. If the exaction of Otho de Grandison is correct, at one sous for each conger, it would have required 8,000 congers, and taking these at 20lb. each, it would have amounted to the enormous weight of 160,000 lb. or 80 tons! exclusive of the small congers, which could be spanned by the hand, and were not liable to this exaction. The duty paid to the Crown on salt congers and mackerel was called *esperkeria*. It is so fully described in the Extent or the King's Rent Roll of 1331, for Guernsey, that I hope the reader will pardon me the length of this quotation.—“*Esperkeria*.—Item habet Dominus Rex de quadam consuetudine vocata *esperkeria* Congrorum et Macquerellorum, cum quadam custuma piscium omnium Insularum, que in simul dimittitur ad firmam pro sexaginta sex libris, tredecim solidis, quatuor denariis.

“ Et sciendum est quod *Esperkeria* Congrorum est quedam consuetudo, qua certi Tenentes Regis et alii. qui piscant Congros a Festo Pasche, usque ad Festum Sancti Michaelis tenentur vendere Mercatoribus Domini Regis

tantum, ad hoc specialiter per seipsum Regem, sive Tenentes, constitutis dum tamen de pretio convenire possint. Sin autem, debent appetiari per homines ad hoc ex utraque parte electos; et tunc vendere possunt cuiunque voluerint.

“*Nota* quod iidem Piscatores de minutes congris adeo parvis, quod possint pugillo per medium comprehendere, possunt facere quod eis placuerit, et tam de magnis quam de parvis accipere, pro captibus suis et suorum sufficientes pro dicta.

“Et custuma Macquerellorum est quod Rex habet de qualibet centum Macquerellorum captorum a Festo Pasche, usque ad Festum Sancti Michaelis de dictis Tenentibus suis, et quibuscunque aliis extraneis ibidem venientibus per id tempus; duo denari Turonenses.

“Et piscium custuma est, quod Rex percipit, de quolibet Bucello cariato de piscibus versus Normanniam, vel alibi extra Regnum Anglie, duo solidi Turonenses. Et de quolibet congro salso, itaque sit de composito duo Denarii, et obolus, Turonenses.—Summa Ducentorum Sexaginta Sexlibrarum, tredecim solidorum, et quatuor Denariorum Turonensium.”

We subjoin an English translation:—Fishery. Our Lord the King also has a revenue from a certain custom called the fishery of congers, and mackerel, as well as from the duty on all the fish of the Islands, the whole of which is farmed out for Two Hundred and Sixty-six livres, thirteen sous, and four deniers. It is to be known that the *fishery of congers* is a certain custom by which some of the King's Tenants and others who fish for congers, between Easter and Michaelmas, are obliged to sell them to the King's traders only, who are especially authorised for that purpose by the King himself or his Tenants, provided they can agree about the price. Otherwise they ought to be valued by persons chosen by both parties, and then it is in the option of the King's Trader, either to take them at the valuation, or not. In which latter case the fishermen may sell them to any one they like.

Note. That the same fishermen may do what they like with the congers that are so small, that they may span them round the middle with their fist, and that they may receive, from the large as well as the small fish, according to what they catch, as much as may be sufficient for their diet.

And the duty on mackerel is that the King receives for every hundred of mackerel caught between Easter and Michaelmas by the said tenants, or by any strangers resorting there during that time, two deniers tournois.

And the duty on fish is, that the King receives for every bushel of fish exported to Normandy, or elsewhere out of the Kingdom of England, two sous tournois; and for every salt conger, provided there be an agreement two deniers, and an obole tournois. The sum amounts to 268 livres, 13 sous, and 4 deniers tournois.”

It is not improbable that the conger fishery lasted till it was replaced by that to Newfoundland in the early part of the Seventeenth Century. I should suspect that Mr. Falle is mistaken about the illegal conduct of Otho de Grandison, who was Lord of the Isles under Edward I. when we find the duty on congers recognised as a source of Royal Revenue long after that time in the

Extent of 1331. The duty seems to have been levied in a mild and equitable manner. If Otho de Grandison levied 400 livres a *year*, the Extent estimates that duty to have been worth 266 livres for the fishery on Guernsey alone, to which if we add that of Jersey, it could not be less than 400 livres. Whether the widow of Otho de Grandison *suffered severely* or not for the exaction is immaterial. A disgraced or a dead courtier seldom finds sympathy, and men have never been wanting to plunder under the colour of law their fallen fortunes.

Note 94, p. 111.

Some of the carp and tench from that Pond, or rather small Lake, are occasionally sold in St. Helier's market. It does not now exclusively belong to the Seigneurs of St. Ouen, but is held also by others who possess parts of that Manor. The pond lies in some low meadows, where it is formed by the accumulation of the waters, that flow there from the adjoining hills. It is separated from the sea only by a narrow beach, and might be easily drained. It would be giving indeed more land to agriculture, but it would be at the expence of destroying the finest, and indeed the only large piece of water in the Island.

Note 95, p. 112.

Mr. Falle seems to have had a particular aversion to our *great banks of earth raised for fences*. Allowing the inconveniences he mentions to the full, if the country was either in larger inclosures, or was fenced out with naked and dreary stone walls, it would lose much of its beauty and convenience, and it is certain, that there would be but few, who after having tried the experiment, would not regret its change. (*See Note 141.*)

The legislature of the Island has long been at war with the unfortunate moles, and I have at this moment before me one of the Acts of the 6th of May 1675, for their extermination. It is needless to add that the moles have eluded at once the wisdom, the vigilance, and the severity of the States, and are more numerous than ever.

Note 96, p. 113.

The wants of the population have naturally augmented with its increase, and the supply has been in proportion; for at this time, 1836, we are blessed with the residence of about 20 gentlemen, all interested in superintending the health of the community. The country is healthy, and generally free from epidemical diseases. It must however be acknowledged that some parts of the town of St. Helier lying low, and being often inhabited by indigent strangers, who do not pay sufficient attention to cleanliness, are insalubrious. When the Island was afflicted with the Cholera in 1832, it was in those places, and among that wretched class of individuals, that it exercised its most fatal ravages.

Note 97, p. 113.

There is a tradition that a tract of low land extended below l'Etac, in which there was a grove of oaks, and that it is their stumps which are yet seen at

low water mark. There are also stumps of this kind in Mounts Bay, near the Lands End. It is further said, that the submersion at l'Etac happened 400 years ago, and as a proof of this event, that there are still deeds extant for rents due on that district. As I have not had the good fortune to see any of them, I may be allowed to express my doubts on that subject, though I am of opinion that the loss of that land is of the same period as the overrunning of the Quenvais with sand, and that the loss of the latter was a necessary consequence of the former. (*See Notes 70 and 98.*)

Note 98, p. 114.

According to M. Manet, whose Treatise has been so often quoted before, the great inundation of the sea, which formed the Bay of St. Michael in France, happened in 708, long since the arrival of St. Magloire, and the death of St. Helier. It is to that period that we must most probably assign the loss of the land at l'Etac, and the desolation of the Queuvais district by drifts of sand. If so, Elizabeth Castle, or the Islet, as well as the whole of Jersey would have now remained without any further diminution of size for above 1100 years. But as it has been observed before, though the fact of those inroads of the sea is unquestionable, the dates, while we can reason only from probabilities, must ever remain uncertain. (*See Notes 70 and 97.*)

Note 99, p. 115.

The Vingtaines are still the same as in the time of Mr. Falle, except that the *Vingtaine de la Ville de St.-Héliér* is now divided into three districts, for the facility of collecting the poor's rate, and other duties belonging to the *Vingtenier*; viz, *The Canton du Rouge Bouillon, the Canton du Haut de la Ville, and the Canton du Bas de la Ville.* The *Vingtaine of Coin Tourgis* at St. Lawrence was divided by an Act of the States of Dec. 10, 1796, into the Vingtaines of *North and South Coin Tourgis.* With these additions the Vingtaines are now in point of fact, 54 in number.

Note 100, p. 116.

That hill continued such as it is described till the beginning of the present century, when it was sold to Government for the sum of £11,280 stg. by the commonalty of the Vingtaine of St. Helier. The sum laid out in the English 3 per Cents produced a sum of £20,400 stg. The yearly income of which has since been applied to the paving and other improvements of the Town. The *affairs of the Vingtaine*, as it is called, are managed by two Procurators or Agents, the right of electing whom is vested in every person, who has a freehold within the Vingtaine.

Note 101, p. 116.

The hill of St. Helier after having been purchased by Government as mentioned in Note 100, was fortified, and now forms the Citadel of Fort Regent, which commands at once the Town as well as Elizabeth Castle. It was many years before that fortress was completed, and is supposed to have cost the British Government about a Million Sterling. The difficulties that

existed, when the Duke of Somerset attempted to build a town upon that hill no longer exist, as Fort Regent possesses a large well, which, after immense labour, was excavated out of the solid rock, and now affords it an inexhaustible supply of water.

Note 102, p. 116.

The Town of St. Helier seems, from its central situation, to have always been the principal place in the Island. The origin of its foundation is very ancient, or rather the precise date of it is lost in the darkness of distant ages. It appears from an Act of the States of 1601, during the time that Sir Walter Raleigh, the Governor, resided here, the town was a miserable dirty place, which was then ordered to be paved. It has prodigiously increased since the days of Mr. Falle, and by the last census of 1831, it contained 1917 houses. It has since that time received considerable additions, and the building of new houses is at this very moment proceeding with astonishing rapidity in every direction.

Note 103, p. 117.

This description of the former Market of St. Helier is correct, with a little exaggerating flourish however.—The stalls and sellers of vegetables were exposed in the open air without any shelter. The fish was sold on some stone steps in the Square, where the statue of George II is still erected. The corn-market was indeed under a piazza where is now the Royal Saloon; but a vile or more offensive receptacle of filth never existed. The shambles were in a long low room, on the site of which was till lately a guard house, which is now used as a lock up room by the Police. There were two rows of stalls in those shambles, so that the buyers were frequently crammed upon each other, and lucky was he who could get home without the acquisition of some grease on his clothes, which he had obtained without purchase. The decorations were a petty barber's shop at the entrance, and a small room at the other end to weigh the meat.

The Square is still as formerly, a place where people resort as to a fair, every Saturday, from all parts of the Island, to meet either on business or pleasure. It is a central spot, a kind of exchange where persons can meet without having the trouble of going to each other's houses often situated in distant parts of the country.

The inconveniences of the old market were at length so seriously felt, that it was given up, and a new one erected at a great expence about the year 1800, which for regularity of architecture, convenience, and cleanliness, may well vie with any other market of its size in any part of the British Dominions. The chief market days are on Saturdays and Wednesdays, but the market is open every day for the sale of meat, fish, and vegetables, of which there is a constant supply.

Note 104, p. 117.

The town had remained almost stationary from Mr. Falle's time till the French Revolution in 1789, when its prosperity received a new impulse from the residence of French emigrants at that period. By the census of 1831, the Town and Parish of St. Helier contained 16,027 inhabitants.

Note 105, p. 117.

The town church would not be sufficiently capacious for the wants of the population, had not other places of worship been since built within the parish. Of these there are three very handsome Chapels of the Church of England, in which the service is performed in the English Language, St. Paul's in 1816, St. James in 1827, and All Saints in 1835. There are also several dissenting congregations. The old Parochial Churchyard was closed in 1826, and a new cemetery was purchased by the parishioners at the Eastern end of the Town. During the prevalence of the Cholera in St. Helier in 1832, the States purchased another burying ground at the end of the Parade, for the receptacle of the remains of indigent strangers.

Note 106, p. 118.

That Chapel was afterwards completed, and is used to this day according to its original destination for the performance of Divine Service. The right of nominating the Minister is vested in the householders by an Order of Council.

Note 107, p. 118.

The Harbour of the Tower of St. Aubin was formerly the best in the Island, but the trade carried from it has greatly decreased since the improvement of the harbour of St. Helier. Add to this that a new Pier was built a few years ago close to the Town of St. Aubin, which has not only an insufficient depth of water, but in the opinion of some naval men has injured the Tower of St. Aubin. The Fort itself is very ancient and is mentioned in an Order of Council of 1651, but it is probably much more ancient. We subjoin Mr. Dumaresq's account of the Fort and Harbour, at its flourishing period, the reign of Charles II. "The Island where the Fort of St. Aubin is built, is also in the sea, and opens and shuts in the same manner as the former, but much less; and nearer by half to a great hill, from whence it is commanded. It is kept by three or four files of musqueteers, that are drawn by turns from the other companies, commanded by a serjeant, that has his residence there constantly.

"There is a Pier almost finished, adjoining to the North East Point of this small Island, which will be about thirty feet high at the head. Some three hundred foot long, and above thirty broad. Here all the shipping of the Island resort, it being the principal harbour. The conveniency whereof has occasioned a small town, called St. Aubin's to be built, consisting of about four score houses, that daily increases, and would much more, but that the same high hill, that commands the said Fort, hinders it." (*See Chapter, V.*)

Note 108, p. 118.

The harbour of St. Helier was of little account in Mr. Falle's time, when nearly the whole of the insular trade was carried on from that of St. Aubin. No harbour owes less to nature than that of St. Helier, but in its present state, with its crowded shipping, its bustle, and its contiguous quays and

warehouses, it affords a proud and distinguished instance of successful industry, the prodigy and the triumph of art over natural difficulties. Two centuries ago, the shipping employed in the Newfoundland trade, wintered at St. Malo, for want of a safe harbour in Jersey, according to Chevalier's Chronicle, who lived under Charles I. Some years before that, during the stay of the Royal Commissioners Conway and Bird in 1618, the States had petitioned the King to allow them to raise a small duty on Spirits to build a pier. That was subsequently granted by Charles II in 1668; but little, or rather no progress was made for a long time in constructing a harbour at St. Helier. We have the authority of Mr. Dumaresq for it, who wrote in 1685. We quote from that well informed magistrate.—“There is a small pier unfinished under the Castle walls (*Elizabeth's*) at the East side by a sally port, where the Castle boats are usually kept, and where greater vessels may be safe; but the entrance is narrow and dangerous, though good enough for boats.

“There is also under the Churchyard of the said town, a shelter for boats, which with the help of the brook that comes down there, might (with no great charges,) be made to secure greater vessels, that would be a great conveniency to the commerce of that Town, which is at great charges to bring their merchandises by land from St. Aubin's, which is above three miles, there being no harbour nearer for vessels of a considerable burthen. For the aforesaid *Castle Bridge* is only fit for the summer and fair weather. About half a mile from this Town, there was once a pier designed, and began at the Western Point of the Town Hill, called *Havre-Neuf*, afore mentioned; but found inconvenient, and so laid aside, as since another at the South Point of the said Hill, called *Havre-des-Pas*, was intended for greater vessels, than those it is now fit for, which use the St. Malo's trade. But its entrance is also so narrow and full of rocks, that it discourages the bestowing any charges about it.” (*MS. of Philip Dumaresq, Chap. VII.*)

The *Havre-Neuf*, or as it is now commonly called, the South Pier, was afterwards completed, and continued to be used, till a few years ago, it was found to be in a dangerous state, when it was rebuilt on a safer & more scientific plan. That Pier & what is called the old Quay projects from the Western Point of the Town Hill, something in the shape of an elbow expanded nearly at right angles, which measured on Le Gros's Plaa of the Town of St. Helier, extends 240 yards out towards the sea with an average breadth of about 35 yards. From Mr. Falle's time, (1734) till the beginning of the present century, St. Helier had no other harbour. A road of about half a mile long, winding along the side of the Town Hill led from it to the Town. At low water the carts took a rather shorter way for reaching the vessels in the harbour, by going over the sands. About 1790, the States of the Island laid the first stone of the present North Pier. The work was then carried on for some time, and afterwards discontinued for several years, probably for want of sufficient funds. It was however since resumed, and by means of loans and an improved management of the revenue from the duties on wines and spirits, that magnificent undertaking was at length

brought to its completion. It is calculated that it cost two millions of francs, or above £80,000, an immense sum for such a small Island! and what is still more remarkable, is that the debt which was incurred on that account is now nearly extinguished. Smeaton, the celebrated engineer, who had formerly built the Eddy stone light house, was here in 1788 & gave a plan for a harbour at St. Helier's. It was not adopted, and would have been something smaller than the present harbour. When the works were resumed, our countryman, the late Duke of Bouillon, also furnished a plan in 1808, which in some measure partook of the boldness and magnificence of his own views. The North Pier would have been elongated transversely at about 150 yards from its Southern extremity which was then finished, a little to the West of what is now called Castle Street. The bason would have then formed a kind of triangle, the base of which would have rested on the shore from Castle-street to the foot of the town hill in Mulcaster-street. It is difficult to make oneself intelligible to general readers, without the assistance of plans, and therefore we earnestly recommend a reference to the lately published plan of the Town of St. Helier, by Mr. Elias Le Gros. What is called the North Pier is a mole of 540 yards long and 30 wide, running out seawards and parallel to the Town hill, till where it is separated from the South Pier by an entrance of 30 yards wide. The harbour itself on an average is 80 yards wide. Opposite to the North Pier is a wide road faced by a line of quays 400 yards long, where vessels load and unload. These quays were built by private merchants along the steep bank of the Town hill, where the sea washed about 40 years ago over the sands and a ridge of low rocks. The rubbish required for filling up this artificial ground was mostly supplied from Fort Regent at the time of its erection. Such then has been the origin and the eventual progress of the important Harbour of St. Helier, which now possesses above 20,000 tons of shipping, trading to every part of the world, and procuring employment and support to some thousands of a contented and industrious population. It is a tide harbour, but vessels of 600 tons may be safely moored in it. When it is high water it presents the pleasing illusion of a harbour formed by nature on the banks of some mighty river, with life, bustle, and activity, with a bridge at the end of it, affording at all times a safe and expeditious communication. It is also amply protected against any hostile attack, being as it were sheltered within the range and cross fire of the guns of Elizabeth Castle and of Fort Regent. Whatever may be the opinions of professional Engineers about the comparative strength of those two fortresses, it is evident that neither could be taken by a *coup de main*, and that in case the attack was from the land side, the shipping would have an opportunity to escape, or that if the enemy were masters of the sea, and Elizabeth Castle could not hold out, the whole of that shipping might be destroyed to prevent its falling into their possession. Indeed both fortresses ought to be in the hands of the enemy, before he could have any chance to obtain the quiet possession of the shipping.

On viewing the North Pier a thought naturally arises about its permanency, and whether it has been scientifically calculated to give it sufficient

stability to resist the pressure outwards, occasioned by the rush of such a large body of water confined between it and the opposite quays, or whether it has the required solidity to oppose the violence of the tides coming from the Bay, and which formerly spent itself against the banks of the town hill. It is needless to observe, that however nice and difficult may be either of those problems, a mistake in either, might at no distant period, be productive of the most disastrous consequences.

An opinion seems also to be extending itself, that the barbour is becoming too small for the rapid increase in the quantity of its shipping. Whether that opinion is well founded, or whether it would be prudent to make large and expensive additions to it, under the impression that that prosperity would be permanent, it would be difficult to calculate, and still more difficult to determine.

Within these late years an immense line of Quays, called the Esplanade, have been constructed from the head of the harbour as far as Patriotic-place, on the road to St. Aubin, for a length of almost half a mile. The expence has been defrayed partly by the States, and partly by individuals, whose property was about being eventually benefited by the undertaking. These quays are nearly on the plan of those projected by the Duke of Bouillon, except that they do not open into the harbour. Experience has not yet shown how far they may be beneficial, or whether they might not be prejudicial, by throwing back the violence of the surf against the North Pier, and augmenting the swell in the harbour. Hitherto the only obvious advantage from it is that it facilitates the communication with the port for the Western Parishes, and that it has secured private property against the incroachments of the sea, and consequently improved its value.

Note 109, p. 119.

A substantial pier has been constructed within the last 20 years, close to Mount Orgueil Castle, for the encouragement of a highly flourishing oyster fishery. The adjacent village of Gourey has grown into a kind of Town, and is already more populous than St. Aubin. A place called George Town, in St. Saviour's Parish, though contiguous to St. Helier, has lately become a kind of Town, and contains several hundred inhabitants, the greater part of whom are British. The country is indeed thickly inhabited, but Mr. Falle is mistaken in saying *that it more resembles a great village than an open and champaign country.* The population of the country parishes has also increased, but not in the same proportion as that of St. Helier.

Note 110, p. 119.

It is probable that there are not so many of those kinds of houses built as formerly, younger brothers selling their shares to the elder, and running, as it is called, their chance in the world, that presents them in a commercial country a better prospect than that of being cottagers and labourers. One would suppose that Mr. Falle considered a population greater than the produce of the country could maintain, as an evil, when the contrary is the fact, provided it can obtain its subsistence by some other means. There is a

curious Act of the States of the 25th of Sept. 1666, for the relief of the poor, in which it was recommended *to compel some of them, if necessary, to emigrate to the colonies, (West Indies), to Ireland, or to New England.* This country had then comparatively but little trade, and felt the serious burden of having a surplus population, without the means of subsisting it.

Note 111, p. 120.

Mr. Falle reasons accurately. A numerous, loyal, and industrious population form the wealth, and the bulwark of a country. Reverse the picture and suppose Jersey was either oppressed or disloyal, government would have to keep a garrison of 4 or 5000 men, and in time of war it could not trust the militia, or rather the Island would be so thinly peopled, that there would scarcely be any force of that kind. This state of things would be more expensive to the parent state, than the privileges and exemptions, which the Channel Islands enjoy. The connection is so mutually beneficial, that it could not be dissolved without ruin to the one, and a serious injury to the other.

Note 112, p. 122.

It would be difficult to trace the commerce of Jersey from its earliest origin to its present flourishing state. It is evident that in ancient times it scarcely had any trade, though it appears from an Order of Council of 1551, that there was already a harbour at St. Aubin. The beginning of our intercourse with Newfoundland is equally uncertain. Sir Walter Raleigh was Governor of Jersey from 1600 to 1603, and resided there part of that time, as appears from the proceedings of the States; and if a conjecture were to be hazarded, this Island is indebted to that great man for the beginning of that trade. It is incidentally mentioned in the Report of the Royal Commissioners Conway and Bird in 1617, where the Governor is charged with having embezzled 130 pounds of the *King's munition of powder at two severall tymes for the use of a shipp, in which he adventured to Newfoundland.*—Chevalier in his Chronicle about the affairs of Jersey during the latter part of the reign of Charles I, mentions that our shipping employed in the Newfoundland trade used to winter at St. Malo, on account of the convenience of the harbour. Dumaresq who wrote under James II, mentions that trade as being then in a declining state. "While the Islanders addicted themselves to the Newfoundland Fishery the number of shipping was the riches of it; for as it brought in ready money, many necessaries, and those seamen increased husbandry; for residing here in winter, they plowed and husbanded the land to maintain their families in summer while they were abroad to get money. But of late the French have so much outdone them, whether by being able to victual themselves at cheaper rates, or living more hard, that we have not above *three or four ships, of twenty, that heretofore used the trade, and the late imposition in France upon English Fishing brought in there, of a crown per quintal, will more and more discourage it.*" (*Chapter II.*) It would then appear that the Newfoundland trade had not

declined in consequence of the wars that followed from the Revolution of 1688 to the peace of Utrecht in 1714, but that it had done so from other causes, some of which are mentioned by Mr. Dumaresq. When Mr. Falle wrote, in 1734, things had had time, after a peace of 20 years, to return into their former Channel. The Town of St. Helier had then a harbour, though an imperfect one. From that time till the French Revolution, was the most prosperous period of the Jersey Newfoundland fishery, but the Island had then comparatively but little other trade. At the present moment, the Island, after so many years of peace, has barely kept up the trade to its former standard. But the progress in the other departments of trade and shipping with some of which our ancestors were totally unacquainted in 1734, has been immense, part of which is owing to the enterprising spirit of the times, and to the present noble and commodious harbour of St. Helier. I subjoin a statement of the actual state of the Newfoundland trade, with which I have been favoured by John Le Couteur, Esq., one of the Jurats of the Royal Court, who had procured it from authentic documents.

Shipping employed in the British Fisheries on the coast of the Gulf St. Lawrence.

<i>Lower Canada.</i>			
No. Vessels.	Tons.	Men employed from Jersey.	Natives.
27	3893	517	950
<i>Province of New Brunswick.</i>			
1	87	25	110
<i>Island of Cape Breton.—Nova Scotia.</i>			
10	645	180	660
<i>Labrador.</i>			
14	1604	298	160
<i>Island of Newfoundland.</i>			
27	2256	255	800
<hr/>	<hr/>	<hr/>	<hr/>
Totals 79	8485	1275	2680

These *natives* are men employed on the fishing establishments of the Jersey merchants, thus presenting a total of 3955 individuals who get their livelihood by those fisheries. These are mostly supplied with flour and biscuit made from foreign corn imported into Jersey.

Note 113, p. 122.

The running of Tobaccos into France, has very much decreased, or rather it is supposed hardly to exist. Before the Revolution the French Smugglers appeared openly in Jersey, where tobacco manufactories had been established almost exclusively to supply their demands. This state of things has ceased altogether, no French smugglers are openly seen, and what few manufactories remain, confine themselves to supply the home consumption.

Note 114, p. 123.

While the Stocking manufacture lasted, that concession was of much importance, and the distribution of the licences to import wool was a matter of

some solicitation and even favour. The re-exportation of that wool to France was prohibited under the severest penalties, and was considered as one of the worst, and most disgraceful sorts of smuggling. Since the extinction of that manufacture, the grant has become unnecessary, as licences are no longer required.

The knitting of stockings was very considerable, even within the memory of man. It declined by degrees and has now ceased altogether as a branch of trade. From whatever cause it might have been, the discouragement of the poor knitters began from the Jersey merchants, who were not only in the habit of allowing them the very smallest possible remuneration, but of paying them for the most part in goods. That and the superior cheapness at which stockings could be had from other places for the foreign market, have ruined that branch of industry. Nor is the loss now to be lamented, since the exertions of the population have been diverted into other and more profitable channels.

This may be called the land of knitters; there is scarcely a female but who can knit. Strangers may remark it as a peculiar feature in the character of the people, to see females of the humbler classes, knitting as they move leisurely along through the lanes in the country. Not many years ago they might have been seen in that attire going on a Saturday to St. Helier's market. There were also (*les Veilles*) or *knitting parties*, where a certain number of people met to spend the winter evenings by the dim lamp of the *crasset*, and to beguile the irksomeness of those hours by knitting and telling of the strange stories of olden time:—of ghosts, of witchcrafts, and of the dreadful persecutions, which drove so many French Protestants to such an asylum on our friendly shores.

Mr. Dumaresq corrects an opinion that had been advanced (*See his M.S. Chap. II.*) that the knitters produced 10,000 pairs of Stockings a week, and supposes that 6,000 pair would be the more probable amount. Even this lower quantity would be enormous, something more than 300,000 pair in a year! Mr. Dumaresq is well worth quoting: "Half at least (*of the population*) depend upon the manufacture of Stockings. Mr. Poingdexter has very well observed, that by many probable conjectures, the Island was heretofore more peopled than now; but passes by the chief reasons of it. For although the general neglect of husbandry, occasioned for want of hands, that apply themselves to that lazy manufacture, is a primary cause, as well as the overplanting of orchards, is a nearer one."—(*See Note 73.*)

"Neither upon inquiry do I find the number of stockings made there to amount to 10,000 pairs a week, as some suppose, but believed by the most knowing to come to 6000, one week with another. And allowing three pairs for one pound of wool, as the ordinary sorts are, it will employ four score todcs weekly, double the number of what we are permitted by licence to import, whereby it does not only bring a kind of monopoly upon those licences (under whose colour the merchants must endeavour to bring greater quantities unlicensed by indirect ways,) but also it comes to pass, that the Officers of His Majesty's Customs of Southampton, (the only port permitted,) raise

another kind of import, sometimes by contriving at, and sometimes by seizing and forfeiting the said wool."

A manufacture which gave bread to half of the population of a country ought not to have been spoken of thus lightly, even if it occasioned some acres less to be cultivated. People will follow that sort of business which they find most profitable, and as to corn those places which can supply it at the cheapest rate, will be glad to sell it to those who can afford to purchase it.

Note 115, p. 124.

The system of rent charges is very complicated, seldom intelligible to strangers; and few natives, except professional men are acquainted with it.

Since the time of Mr. Falle, and in consequence of the prosperity of the Island, there would not be rents enough in the market to invest all the surplus capital. Part has been laid out in trade or local improvements, but the larger portion is well known to be invested in the public funds of different countries. The Jersey people are not in the habit of often buying land in England. Therefore the greater number of our easy fortunes are not derived from land or rents, but from trade or from the funds.

The Jersey rents have however their advantages. They offer the means of investing small sums in the purchase of real property, without the inconvenience of its being liable to be paid off like a mortgage. The debtor of rents on the other hand, instead of being obliged to wait till he has accumulated a sum sufficient to pay off his mortgage, say £500, may disencumber himself gradually of the debt, by buying and assigning to his creditor small sums of rent, as low as £8, or £10 at a time.

The Jersey freeholder has the further advantage of being independent of the rentholder, as long as he can pay him his rent. On the other hand an English mortgagee may call in his mortgage at anytime to the great inconvenience and even distress of the mortgager. It is evident that a person thus situated, even when he can offer the best security, is neither so favourably, nor so independently situated, as the bluntest Jersey rent payer.

Again; rents being a real property, cannot be so easily squandered away as chattels by improvident individuals; and as they follow the provisions of the Norman law of inheritance, they cannot be transferred from one person to another by unjust or capricious wills.

When a person buys an estate, those rents are a substitute for an English mortgage. The buyer, if he cannot pay for the whole, remains charged with rents, the amount of which can always be ascertained from the Public Register, so that any one having dealings with him may always know, whether, and as far as real property is concerned, he has to do with a man of good substance or not. This is technically called his *guarantee*.

By law a man must pay off one fourth of the purchase of real property either in money or rents, and he may remain charged with the other three-fourths. This evidently facilitates the disposal of real property by extending the sphere of competition, and enabling many to become freeholders, who could not be such under a different order of things. Most of the freeholds

in Jersey are more or less encumbered with rents ; but if the owner is an industrious man, he pays his rents yearly, gradually diminishes their quantity, and instead of being liable to be turned out of his farm as in England, he may think himself as good as the first gentleman in the land.

All transactions in rents are registered in an office for that purpose. Bonds may also be registered on making a special application to the Royal Court. All these have a preference over simple contract debts, and in bankruptcies have a right to be paid in full according as they are the most ancient in date. Rents are generally bought at 20 years purchase, or 5 per cent interest. They are seldom paid in kind, or rather, every quarter of *rent wheat* was in consequence of the then existing abuses, commuted in 1797 into a yearly payment of sixteen shillings and eightpence. The rents due to the King and a few other privileged rents form an exception, and are still paid according to the price of corn.

Some of the rents are *fondière*, or ground rents, that is, That the owner cannot assign or buy them off, without mutual consent, so that the incumbrance on the estate is perpetual. They are worth 1s. 4d. a quarter, a year more than the assignable rents, and sell generally at 25 years' purchase. All these rents are brought into the market, and vary, more or less, in price, according to the demand, or the goodness of the guarantee ; not unlike the transactions on the Stock Exchange.

The system of these corn rents is very ancient, and on the whole is well calculated for this Island.

There are however disadvantages annexed to it, the first of which is, that these rents may be split into mere fractions, and that to collect £100 a year, you may have to go to as many, or more renters, on different parts of the Island, and in case of bad payers, one must have recourse to a legal process, which though cheap and summary, yet causes some delay and expense, and till lately obliged one to attend the Court in person or by an Agent. Nor can the debtor be sued out of Term. Add to this that forbearance aggravates the evil, that an embarrassed freeholder, will only pay the most pressing, and that after having run his rents one with another 4 or 5 years in arrear, he becomes a bankrupt by cession, (*cessio bonorum.*) so that after having subsisted during that time at the expence of the renters, such an individual leaves his estate incumbered with from 20 to 25 per cent more than he owed when he first became insolvent.

The law expences attendant on the bankruptcy, or the conducting of the *Décret* as it is called, depreciate the estate still further, till a very heavy loss is realised by the several mortgagees. (*See Note. 162.*)

There are also some nefarious practices attendant on rents, some of which I may barely mention. A. buys an estate from B. worth £300 in rents, but as he cannot clear off one fourth of the purchase money, or £75, a deed is executed whereby the estate is nominally sold for £400, the fourth of which is cleared off by a fictitious sum of good and lawful money of the country. The property thus remains in fact charged with rents to its full value, so that on the least reverse or depreciation, the owner inevitably becomes a bankrupt. This is what is called in derision, a *contract in the air*, (*contrat en l'air.*)

A. has got an estate already deeply incumbered, but wishing to raise money, he applies to some unprincipled person or other, and who having no property himself, can offer no additional security; to whom he conveys it for more than it is worth, say for £500 what is worth but £400. He then goes into the market and sells rents on the mock purchaser, perhaps a mere man of straw, who after the job has been completed, resigns his bargain to the first seller, who thus becomes chargeable with all the rents he has created. But he cannot hold out long under such an accumulating pressure of debt, he becomes a bankrupt, and the purchasers of rent who had but this delusive security, inevitably lose their property.

A. has debts on rents and on bonds; he does not owe to the amount of his freehold, but on the whole, he is insolvent. Wishing to favour one of his creditors B, he conveys him a part of his freehold in payment of a simple Contract Bond, which enables this worthy creditor B. to be paid in full, when his brother creditors may not perhaps receive half-a-crown in the pound. The only precaution that the parties have to take is to have those deeds executed unknown to the other creditors, and at least ten days before any act of bankruptcy is committed, as otherwise those deeds would be cancelled.—And this is a poor remedy indeed against an experienced sharper!

A. sells a piece of ground for building, and a good house is raised upon it in due time. From the timber merchant to the glazier, the credulity of all trades is put in requisition to furnish supplies on *credit*. The builder sells rents on the house in the mean time, till after having spent their produce, he too becomes a bankrupt, the renters, or the seller of the land, being registered debts, take to the house, and the tradesmen who had in fact furnished the means of building it, lose the whole of their claims, and have no other consolation left to them, than that of having added one good house more to embellish the town of St.-Helier.

A man applies to the Court to have his wife's estate separated from his own, (*séparation quant aux biens*), whereby the lady recovers all the rights of a *single woman*. The husband's chattels in some cases soon disappear, and as to the real property, the greatest part is conveyed to the wife: enough being just left, to prevent the Court from refusing to make him a bankrupt. I should remark that all freeholders have an undoubted right to renounce or make their *cessio bonorum*, while others who are not freeholders, are entirely subject to the discretion of the Court, who if not satisfied with their honesty, may suffer them to remain for years in prison.

All deeds ought to be executed in public before the Bailiff and two Jurats. In case of the illness of either of the parties, those deeds were at first on payment of a small fee allowed to be executed in private. In time that grew into an abuse, and most people who either disliked the publicity of that ceremony, or a long attendance in Court, had recourse to that indulgence. The next step was that when any individual thought it prudent to conceal his own transactions from his creditors, he naturally had recourse to this very convenient expedient. Hence arose a fruitful source of fraudulent bankruptcies! The only way to prevent this abuse would be to abolish the

private execution of deeds except in cases of real and well attested illness. The only remedy which the law affords now to the creditor, is that when he suspects any deed affecting his interest is about to be executed by his debtor, he may lodge an inhibition with the Bailiff, which prevents the debtor from selling any real property, till the question has been tried before the Royal Court.

There are however inconveniences in allowing registered debts to have a preference in all cases.—A. has an estate worth £2000 incumbered with £200 worth of rents, and £1000 of personal debts, but being desirous of disinheriting his family and cheating his creditors, he executes a sham bond that he has borrowed £2000 from B. The bond is then registered in due form in the Royal Court, where it may lie forgotten till A. departs this life, when B's debt has the preference, as under those circumstances of insolvency, the lawful creditors are obliged to abandon their claims! These nefarious abuses are mentioned, not only to guard the unsuspecting stranger against them, but in the hopes, that the exposure of such blots on the character of the country, and on the integrity of those unprincipled practitioners, who lend their assistance to such proceedings, may in time be effectually removed.

These are some of the most glaring and nefarious practices connected with rent transactions; but it is unnecessary to enter into further details on that subject.

When it begins to be whispered that any man's affairs are embarrassed, all his freehold property becomes nearly unsaleable, for the obvious reason, that in case of an approaching bankruptcy, the last purchasers would lose their rents by being the first to be ejected. It is indeed an evil sign of the times, when property is advertised week after week, and remains unsold. The individual cannot mistake the opinion the public entertains of his credit, and such a state of things is generally the prelude to a bankruptcy. To say that a man's *guarantee is bad*, or that he is embarrassed, is *actionable*, because it tends to prevent the sale of his property. Hence people are very careful about what they say on the subject, and many an unfortunate stranger has been the victim of not having received seasonable advice, before buying property, which was puffed up in the Newspapers, but about which it was already understood in almost every quarter, that an ejectionment would be the inevitable consequence.

To enter fully into the various nature of all those frauds would rather require a pamphlet, than the limited extent of a Note. I have avoided a technical phraseology as much as possible, to be intelligible to strangers.

It is not sufficient that the guarantee of the seller of real property should be good. Reference must be made to the solvency of the individuals from whom he may have made purchases at any former period. Thus A. has bought 30 quarters of rent from B. and sold it to C.—Subsequently B. becomes a bankrupt, which draws on the ruin of A. after it, so that B. is dispossessed his rent, of which finally goes to a fourth person, who is technically called the tenant of B.—(See Note 162.)

One ought to be fully impressed with the extreme caution necessary to be used by all, but by strangers in particular, when they buy real property in this Island. The danger may however be easily avoided by adhering to the general rule of *never purchasing without a good guarantee, or purchasing from a man of unquestionable good freehold property.* To obtain that indispensable information, it must be done by applying to some respectable professional man, who will ascertain the amount of the real property of the seller from an inspection of the public Register, and by whose advice the applicant ought to allow himself to be directed.

The fortunes of individuals are sometimes estimated in sterling money, and sometimes in quarters of rent, by the former in the town, and by the latter in the country. The amount mentioned by Mr. Falle, is even at this time, thought in the country parishes to be a handsome competency, and represents a class of respectable yeomen, who farm their own small estates, and who by their industry and frugality are among the most honourable and independent men in his Majesty's Dominions.

Note 116, p. 124.

Mr. Falle speaks the opinion of his times about Gavelkind. As early as 1617, the States presented a petition to the Royal Commissioners Conway and Bird, who were then in Jersey, and expressed themselves as follows:—

“And for so much as this Island is much weakened by means of continual partitions, which is made of lands and tenements among coheires; It may please the Kings Majestie, by your good meanes, to grant liberty unto such of the inhabitants, as shall sue unto his Majestie to entayle soe much of their lands, rents, and tenements upon their heires, to remaine impartible for the better maintenance and continuance of their houses, as the parties shall bee willing, or shall be thought fitt.”

This request was granted in 1619, and finally settled, by an Order of Council of the 17th of June 1635, which facilitated the making of entails.

“Whereas the island is much weakened by partition, the lands there descending, two parts to the sons, and one to the daughters: It was thought fitt, that for the remedie of the inconveniences thereby, His Majestie's Attorney Generall should prepare a Commission, (as hath been formerly directed, by the ordinances made in July, 1619,) unto the Governor, Bailiffe, and Jurats, calling to them his Majestie's Procurator there, authorising them to give Patents under the Seale of the Bailiwick of that Isle, to all such persons as shall desire it, to entayle soe much of their lands and rents upon their heires as to remaine impartible for the better maintenance and continuance of their houses, as the parties think fitt; provided that the greatest entayle exceede not One Hundred Quarters of Wheat, Jersey measure.”

Mr. Le Geyt wrote a treatise on Entails, in which he entered fully into Mr. Falle's views. It is to be observed that several of the larger estates in Jersey, were entailed according to that Order of Council. At present new entails seldom take place. About 1760 the entailed estate of Bagot and Méléches having been renounced or *bankrupted* by the owner, the creditors seized it, which was resisted by the heir, when our Royal Court, decided that the creditors should enjoy the proceeds of the estate only during the life of

the Bankrupt. This was afterwards reversed by an Order of Council, which awarded the full possession of the property to the creditors. It appears then that those entails are very imperfect, since they may be barred by the bankruptcy of the actual owner.

Mr. Falle has taken the unfavourable side of the Gavelkind question. As it exists in Jersey, it is not strictly so. The eldest son has the house, and other advantages, which under different names leave him nearly half of the estate, and sometimes even the whole, when the property is small, as the primogeniture is always first allowed. An estate cannot therefore be "reduced almost to nothing." After the primogeniture has been deducted, two thirds of the remainder are to be divided equally among the boys, and the remaining third among the girls; with this exception however, that a daughter can in no case have a larger share than a son. When there is a large family of daughters, their proportion is so very small, that one might say there is no Gavelkind at all, the hardship of which is felt so much the more than in England, as the parents cannot remedy it by the bequest, of a will but are often obliged to have recourse to indirect, and sometimes illegal means, to make an adequate provision for their several children.

A widow's dower is almost indefeasible, nor can it be barred by the husband selling his estate without her consent. The purchaser then becomes liable to the dower. This principle however applies but to property, which the husband possessed when she married him. Subsequent acquisitions may be sold without the wife's consent. This ample security for the widow's provision by dower, is the cause that there are comparatively but few marriage settlements, as far as real property is concerned. With respect to chattels, when a man dies without children his widow is entitled to one half.

In no case whatever can land or rents be devised by will; and with respect to chattels, a man is obliged to leave one third to his wife, one third to his children, and the third is at his own proposal, which in many cases is left to the widow, as it is very seldom that one hears of those unnatural or capricious wills, which are the disgrace of other countries. A parent is not even allowed to favour one child more than another. Wills, or transactions contrary to these general principles are, on detection, immediately set aside, or modified, or as lawyers call it, abated.

A man may sell the freehold of his inheritance, but at his death, if he should leave personal property, it is to be restored to the heir, before a will can stand good. This rule does not apply to freehold property acquired by the late owner, who may sell it, and is at liberty to devise the proceeds of it by will.

It is not contended but that there may be abuses and inconveniences in partition by Gavelkind, but that the advantages preponderate in a small country like Jersey.

If the pride, the industry, or the good fortune of one man has raised a large fortune, it is scattered again in the next generation, and his descendants are restored to that enviable mediocrity, which is the source of liberty and happiness. If the descent of property had been regulated here as in England

the island would long ago have become the property of a few powerful families, which would have left no intermediate class between the large landlord and the dependent rack-renter. It is to the principle of Gavelkind that we owe the class of the substantial Jersey freeholders, (*principaux de paroisse*), who are at once the boast, and the protection of their country.

In a small commercial community, it is to be desired that there should be a great deal of general ease, and comfort, but no overweening affluence, no aristocracy to exercise any superiority over its fellow citizens. Under this system the country has flourished. Perhaps no population anywhere possesses collectively a greater aggregate of wealth, at the same time, that there is scarcely any other place where a population of equal numbers, could shew so few very splendid fortunes.

Gavelkind, if the expression may be allowed, corrects itself. When the shares are small, the younger sons do not think of farming them, but sell them to the elder brother, for money or rents, and go into business. As to the daughters, being married into families at a distance from the paternal estate, their small shares likewise revert to the elder brother by purchase, who is often enabled to effect it by his own wife's portion. It is therefore so far from being correct, that estates *are reduced almost to nothing*, that very few indeed could be found, which are materially diminished by partitions, and none, whose relative agricultural produce is affected by them.

Note 117, p. 125.

The language is a bad provincial French, with some local peculiarities, and a few English words. It does not seem to have been altered for some centuries, and indeed it is more likely to become extinct than to be improved. We add a specimen of French as it was written 250 years before Henry II, of France, and under the reign of our Edward I. It is a letter from that Prince to Otho de Grandison, then Governor of Jersey. It appears from the *Fœdera* that Otho de Grandison was still living under Edward III in 1337.

A. D. 1297, *Fœdera*, Vol. I, Part II, p. 871. "Le Roy a son foial et loial Moosieur Ottes de Grantson, Saluz. Come autrefois vous eumes mande, par nos lettres que vinssiez vers les parties de Flandres ; si que vous feussiez quand nous y serrons venuz.

Vous feisons ce savoir que nous alons vers la mer, ou nous devons passer, de jour en autre, tant come nous povons : E, si tost, come nous serons venuz au port, nous et nos gehitz serrons, si Dien plest, si prestz de quant qui mestier nous est, que nous n'attendrons, ne attendre convendra, fors que la volunte de Dieu et temps convenable, par quei nous serrons en Flandres bien par temps a l'ayde de Dieu.

E nous mandons que vous veignez ylveques, au plus tost que vous porrez, en bone maniere, e que nous vous y truevons a nostre venue, s'ensi n'estoit, totes voies que vous veissiez que vostre estre par ailleurs, nous peust estre plus profitables, e plus grand tenir, &c.

We quote an extract from the *Encyclopédie Methodique*, Géographie, Tome II, Art. Jersey, which gives us some particulars about a poet of our

own, whose name is scarcely known. “ Robert Waice, Poëte, reçut le jour à Jersey vers le milieu du XII siècle. Il est l'auteur du roman de *Raou et des Normands*, écrit en vers François ; ce livre fort rare, est important pour ceux qui recherchent la signification de beaucoup d'anciens termes de notre langue.”

Note 118, p. 126.

It is not the names of the Gentry that are of the greatest duration in any particular district. The common people are less likely to remove into other countries ; for they are like Claudian's old man of Verona, the fixtures of the soil, and their names are perpetuated generation after generation in the Parish Register, or even among the accounts of the Overseer for the maintenance of the poor.

The writer of this note has before him a Copy of a Record from the Archives of the English Exchequer of the 21st of Edward I, of some Assizes held in Jersey on St. Clement's Day, the 23rd of November, 1292. This Record is a mere muster roll of names, and is so far curious, that it contains the names of many of the families that still exist in Jersey, though some of them are yet, as they were probably then, in the lower grades of society. The insular establishment seems to have been then, nearly as at present. Denys de Tillebury was Warden of the Isle.—Peter Draitiz, his Receiver, or Steward, and John De Carteret was Bailiff.

The reader may not be sorry to have the names of the Jurats of that period.—Reginald *de Carteret*. Thomas *Payn*. Peter *Draitiz*. Philip *L'Evvesque*. Nicholas *Tourgys*. Gilbert *le Petit*. Raoul *des Augrès*. William *le Petit*. Jordan *du Maresq*. Henry *Payn*. Philip *Fondan*. Jordan *Norman*.

The inferior officers now called *Prévôts*, were then styled *Bordarii* or borderers. It is remarkable that St. Clement and Grouville, had then as at present but one *Prévôt*, and that St. Ouen is not in the list, the duty of which, was then probably, as it is at this day, performed by the *Prévôt* of St. Mary. St. Peter and St. Mary had each two Borderers. Among those twelve individuals we still find the following names.—*Aubin*. *De La Ville*. *Le Starck*. *Du Val*. *Chevalier*. *Le Maistre*. *Bequet* and *Hérait*.

The next Officers in the Record are called *Jurati de Harrel*, or *Jurates of Heriot*. Each of the twelve Parishes had six, the precise nature of whose functions, it might not be easy to ascertain. They were probably persons sworn in to keep the peace, and perhaps to decide also any inferior controversies arising among their co-parishioners, combining the duties of our present Police officers, with those of the *apprécieurs*, or valuers of land, both of whom are to this day chosen by the Parochial Assemblies. The surnames that are still in this Island are as follows.

St. Helier.—*Balliol*, *Hamon*, *Vaudyn*, *Le Cerf*, and *Curieis*, probably badly spelt for *Crucis*, and intended for La Croix, or De Ste.-Croix.

St. Clement.—*Sarre*, *D'Alain*, *Baudeyn*.

Grouville.—*Le Dain*, *Le Fevre*, *Hubert*, *Ayer*.

St. Martin.—*Ahier*, *Noel*, *Pallot*.

St. Saviour.—*Hubert*, *Norman*, *Alisandre*.

St. John.—*Warren, Le Gros, Norman, and de Caleis*, probably *Collas*.

St. Peter.—*Allet, Le Marchand, and Videcok*, probably *Wileoks*.

St. Lawrence.—*Michel, Gallichan, Morell, Hubert*.

St. Mary.—*Estur, De Camp, Hérault, Le Fevre, Le Blanc*.

St. Ouen.—*Le Bas, Grantex, Huelin, Le Neveu*.

Trinity.—*Water, Le Cras, Philippe*.

St. Brelade.—*Bagot, Vibert, Seale, De La Moye*.

That curious document is said to have been extracted on the 15th of June 1615, by Arthur Agarde, (*De La Garde*) one of the Clerks of the Exchequer, and was probably obtained by John Hérault, the Bailly, who was in London at that time, concerning his litigations with Sir John Peyton, the then Governor.

Note 119, p. 126.

The Seigneurs of St. Ouen and Trinity are the most ancient in the Island, and there is no record of the time when they came into the families whose descendants still enjoy them, though in the female line. All the other principal Seigneuries, as far as we know, have changed families, either by purchase or bankruptcy, from that of Melechies under the reign of Charles II to that of Vinchelez, which passed a few years ago, by purchase, from the De Carterets into a new family.

At the Assizes of the Justices Itinerant, Scarborough, Norton, and Westcote, held at Longueville, in St. Saviour's parish, in 1331, Reginald de Carteret appeared for the Seigneurie of St. Ouen, in whose male line it continued till 1776, when it fell by inheritance to the Le Maistres who now enjoy it. Richard de St. Martin also made his appearance at the same Assizes for the Seigneurie of Trinity, a female of whose family carried it into that of the Lemprière's, early in the Sixteenth Century, and on the death of her grandson Giles Lemprière, in 1585, his heiress married Amice De Carteret, a younger brother of the family of St. Ouen, with whose descendants it remains to this day.

Note 120, p. 128.

Since Henry VII, the Islands have not only had separate Governors, but in Jersey there is a complete division of power, which has left the Governor little more than the military department. That circumstance has been so well described by John Herault, who was Bailly under James I, in a petition to that Sovereign in answer to some articles exhibited against him by Sir John Peyton, the then Governor of Jersey, that the reader will not be sorry to see it in this place: "King Henry VII upon complaints made unto him by the inhabitants of this Isle, howe the Castle there had not longe before fallen into the hands of the enemy by meanes of the unlimited power assumed by the Captain to the utter ruine of many of his poore and faithfull subjects, who had recovered the said Castle with losse of much blood and of their substance, rememberinge also, howe in the begiuninge of his Raigne, one Sir Richard Harleston, takinge the opportunity of the troubles of those times, thought to have made himselfe under the protection of the French and of

the olde Dutchesse of Burgundie; Lord of that Isle, if hee had not beene prevented by the diligent care and valour of the inhabitants, who having discovered his pernicious intent, sent soe speedie advertisement thereof to the Kinge, and used such dilligent and good order amongst themselves, that the said Harleston was forced by siege, before he could receive his succours, to yield the said Castle unto the Kinge, which consideration moved that most wise Kinge for the avoydinge of all such inconveniences in time to come, to limite the power of the said Captaines. And to that effect his Highness made divers statutes for the preservation of all his Royal Rights there, unto the Crowne, whereby amongst other things, it is provided that the said Captaines shall not intermeddle in the nomination, or institution of the officers of justice; and that they shall have noe jurisdiction, nor shall execute, or cause to bee executed any act or exploit of justice, either ecclesiasticall, or civill; but are commanded to leave the same unto the Bailly and Justices, upon paine to incurre the Prince's displeasure. Which statutes your Majestie hath been graciously pleased to ratifie and confirme anewe, not yet two yeares since, &c”

Mr. Falle's account of the fall of Sir Richard Harliston is incorrect, which has been caused by his having implicitly followed the Jersey Chronicler, in his 7th Chapter, who does not say a word about the siege of Mount Orgueil Castle to expel that Governor. It must be remembered that the affair of Perkin Warbeck did not happen till 1492; or the 8th of Henry VII, while on the other hand the Patent of Matthew Baker his successor, is dated Westminster, July 23rd, in the 3rd of Henry VII, consequently Harliston had lost his place some years before the appearance of Perkin Warbeck. As to the existence of that siege, it is ascertained not only from the above quotation from Johu Hérault, but also from the curious Deed already mentioned at Note 85, containing an account of the contributions to retake that Fortress. It is dated June 17th, 1488, or the 4th of Henry VII, and mentions Matthew Baker as already Governor. The siege was carried on by Edmund Weston, the King's Commissioner. The Document is so curious, that we will insert it here.

“ A tous ceulx qui ces presentes Lettres Verront ou orront, Clément le Hardy, Baillif de notre Seigneur le Roy d'Angleterre en l'Isle de Gersey, salut en Dieu; Savoier faisons que xviiimo jour du moyes de Juing lan de Grace Mil cccc, iv vingt et huit, avoier veu plusieurs Billes de complaynte, comme lesdits complaignant ont rapportoy par devant Honorable Homme Matthieu Baker, Escuier du corps, Cappitaine du Chasteau de Mont Orgueil, Garde et Gouverneur Général de ladite Isle pour le Roy notre très redoutable et Souverain Seigneur, et par devant la Justisse, comme en temps que Edmond Weston, Comyssere du Roy notre dit Souverain Seigneur tenant le siege devant ledit Chasteau, pour en maitre hors Richard Harliston fist empruntey grand somme d'argent pour présens, gens, et vivres non payés, par le Rapport desdits Complaignants, dont les noms ensuyvent: Le Connestable de Saint Pierre xxii escus; le Connestable de Saint Laurens, iv escus, xx sols; le Connestable de Saint Johan xvi escus; Item vi escus, xx sols; le

Connestable de Saint Martin x escus, et un mart ; le Connestable de Saint Oën x escus ; le Connestable de Sainte Marye iii escus, x sols ; le Connestable de Saint Sauveur xviii escus ; Le Connestable de Saint Laurens xlviiii escus.—Sire Thomas Abier, Prestre, un escu d'or et uue maille au trayt. Johan le Franconnier un escu ; Johan de Cartéret un escu ; Item pour aultres petites Billes xxiii escus et x deniers. Item pour xii pipes de Sydre xiv escus. Item a Nicollas le Marinel vi escus. Item a Estienne la Cloche un escu, Item a Guillaume Robert x escus. Item a Ralf Stockall x escus. Item a Thomas Blampy xxv escus. Somme totale comme il apparoest par les Billes. (*) iiii c. lxiii escus, xv sols x deniers. Et en oultre les gaiges de demy an de xxv hommes. En tesmoing de ce nous avons myns et appendu le secl du bailliage de ladite Ysle en la Presence Philippe De Cateret, Johan Nicolle et Johan Poingdestre, Jurés du Roy. Donné comme dessus.”—It would then appear from this Instrument, that it is an official statement of the claims made on Matthew Baker for the expences incurred in the expulsion of Harliston, and that the siege or rather blockade of the Castle, lasted half a year, and that only 25 men received pay, so that the remainder must have served gratuitously during the siege, and probably were a native force, consisting of a body of militia, as it was trained at that period. That this militia existed in some shape or other as early as Edward III, is certain. (*Fœdera A.D. 1337, p. 969*).

Note 121, p. 129.

There is a tower in the upper ward of Mount Orgueil Castle, with an inscription over the gate way, cut on a Portland stone, which is now partly, if not entirely illegible. Perhaps this may be the Tower mentioned by our Historian. We cannot take leave of Harliston, without expressing some sympathy for his fate, and for the persecution which his heroic daughter Margaret de Harliston and her husband Philip De Carteret of St. Ouen, suffered afterwards from the cruelty of Matthew Baker and Clement Le Hardy, the former the Governor, and the latter the Bailly of Jersey. (*See Chroniques de Jersey, Chapter IX—XII.*) The history of Margaret de Harliston as detailed in those Chronicles, wants only the pen of some Walter Scott, to give it all the interest of one of the tales of olden times.

Note 122, p. 129.

His government was long, and lasted between twenty and thirty years. The Chronicler is very ample in his account of him, from which it seems that at one time he was intimately connected with the then powerful family of the De Carterets, and that at another he was at variance with them, especially with Helier De Carteret, the Bailly. But as his character is only to be found in the Chronicler, who was evidently a retainer of that family, it ought to be read with some caution. This allowance on retiring in his old age, was not

(*) The amount does not correspond, which is probably owing to several of the claims not having been expressly mentioned in the Deed. I apprehend that iiii c. lxiii means 463 crowns, &c.

so scanty, as Mr. Falle would suppose, considering the relative value of money, and the revenues of Jersey in that age, which were further burthened with the charge of its civil and military establishments such as they then were. I would rather suppose that it was a fair retiring pension for those times, and that Sir Hugh Vaughan, had neither incurred the displeasure, nor retired with the pity of his Sovereign.

His Patent is of the 17th of Henry VII. That of his immediate successor Sir Anthony Ughtred is of the 17th of Henry VIII. The two next Governors held the office but a short time. The Patent of Sir Arthur Darcy is of the 25th of Henry VIII, and that of Sir Thomas Vaux, (for so he is named in it,) is of the 27th of the same King.

Note 123, p. 130.

It was not to be expected that a man of such high influence at Court, as the Duke of Somerset, would reside much in Jersey. Though he governed it by his Lieutenant Governor, Henry Cornish, he was not however inattentive to our local affairs, several instances of which are to be found in the Records, which began to be kept in some kind of order about that time. It was during his government that the Reformation, as well as the Liturgy, were introduced in Jersey. There is a curious letter from him to the States, which were held in Trinity Church, in which he addresses them in the coarsest language, on the ground, that they were backwards in supplying the funds necessary for their defence. The idea of fortifying the Town Hill, but which was then laid aside, and not carried into effect till the beginning of the present century, originated with that nobleman. These different objects which happened during the Duke's Administration are mentioned in an Order, or *Letter of Council*, as it was then called, of the 15th of April, 1550. His government lasted from the 28th of Henry VIII to the 4th of Edward VI, or about fourteen years.

Note 124, p. 131.

Sir Walter Raleigh, succeeded Anthony Paulet in the Government of Jersey in 1600, and held it till the accession of James I, in 1603. He was by his Patent to enjoy the Royal Revenues on condition of supporting the insular establishment, and remitting yearly £300 to the Exchequer. (*See page 185*).

His heroism, his misfortunes, and his sufferings are too well known from the history of England, to require being mentioned in this place. It may however be observed that he resided here in 1602, and that the greatness of his mind was perceptible even in this narrow sphere of action. It appears from the Records, that the States met frequently during his residence, that he was generally present, and that he kept the Island on the alert with the fear of a Spanish invasion, probably from the Netherlands. It was during his government, that a public Register was established for real property, which according to Mr. Le Geyt had been recommended more than forty years before, in the early part of the reign of Elizabeth, but had not been carried into effect. It has already been said in a former Note, that, from a passage in the Report of the Royal Commissioners Conway and Bird in 1619, it

was Sir Walter Raleigh, who first established the Newfoundland trade in Jersey. We refer the reader to what has already been said at Note 112.

Note 125, p. 131.

These situations are particularly independent, and as it appears from their Patents, had for a long time been granted for life. The appointment of the present Bailly, Sir John De Veulle, in 1831, was granted only during pleasure. The manner of recommending those Officers has also been modified. It was formerly literally understood, as was probably the original intent of the Patent, that the Governor should not interfere in recommending to those appointments. (*See Appendix, page 224.*) That continued to be the case till 1802, when the Royal Court recommended one person, and the Lieutenant Governor, Lieutenant General Andrew Gordon, recommended another to the vacant place of King's Procurator. Thomas Le Breton, Esq., the nominee of the Lieutenant Governor was appointed, when the Court refused to swear him in, on the ground that it was an incroachment on their Privileges. This led to some spirited Representations on both sides, till at last the Gordian Knot was cut by an Order of Council, directing the Jurats to swear in Mr. Le Breton, under pain of incurring the Royal displeasure, and that the Lieutenant Governor among others had a right to recommend. The literal meaning was that he might do it as any other private man; but it was in fact granting the power to the Lieutenant Governor, and taking it from the Royal Court, who, could that body divest itself of intrigue and party feeling, are the best judges of the fitness for such an Office. The Patent of the Bailly John Hérault, is registered at Héritage, 21st Sept. 1615.

Note 126, p. 132.

Sir George De Carteret, into the merits of whose administration we have so largely entered at Note 46, obtained his office of joint Governor by a Patent of the 2d of Charles II (1650) and held it till the reduction of the Island in December 1651. It is supposed that it was not merely from interested motives that Sir George solicited the office; but to prevent the Island from falling into the hands of France, through the intrigues of Henrietta of France, the Queen Dowager, and those of Lord Jermyn, her favourite.

Note 127, p. 133. "

Sir Thomas Morgan was certainly a brave and gallant officer, and he is frequently praised in the manuscripts of Dumaresq and Le Geyt. According to the latter, when on his arrival he was requested to act before he had been sworn in, his noble and constitutional answer was: "Till my commission has been presented to the Court, I am absolutely nothing."

Note 128, p. 133.

It appears from some Acts of the States, and from some Orders of Council of that period, as well as from Le Geyt's Jurisdiction, *Article Gouverneur*, that Sir John Lanier governed the Island, in an arbitrary manner, in which he had been opposed by the inhabitants. This might have been one of the reasons, if not the principal, for his removal at the accession of James II.

Note 129, p. 134.

This nobleman had held his Patent from 1660, till his death under Queen Anne, or 43 years. It is not generally known that he left a considerable sum to the poor of this Island, which the States afterwards ordered to be divided among the several parishes. This generous proceeding of Lord Jermyn is the only one of the kind in the history of the Governors of this Island.

Note 130, p. 134.

The drain is not now felt, as it might have been in the days of Mr. Falle, when there was yet but little trade, and the remittances were generally made in specie, which materially injured the circulation of the country. It is not more than 80 or 90 years ago, that payments to a considerable amount were often made in *liards* or small French copper. This must have been owing to the poverty of the country, as there was no deficiency of French crowns in that part of the reign of Louis XV.

For many years the office of Governor has been bestowed on men of high rank and interest, with the enjoyment of the King's Revenues in Jersey. He is relieved from the payment of any charges for military matters, and from making remittances of any part of the revenue to the Exchequer, as was done by his ancient predecessors; but he is still obliged to provide for the administration of justice, and other expences connected with the civil establishments of the Island. After making these deductions the office is become a perfect sinecure, granted either as a Royal favour, or as a reward for distinguished military services to the State. The Governor takes no part in the administration of the Island, and indeed none have made any permanent residence in it since the time of Sir John Peyton under James I.

The King's Revenues in Jersey vary considerably, owing to the fluctuations in the price of corn, and to the value and quantity of fines which may accrue to his Majesty. In 1822, Mr. Hume procured an account of the Revenues and Establishments in the Channel Islands to be laid before Parliament. It would be tedious and unnecessary to make long extracts in this place; but suffice it to say, that the Royal Revenue in Jersey was then worth about £3000, one half of which was expended in local charges, and that the other was remitted as a sinecure to the Governor.

It is supposed to be the intention of Government, that on the next vacancy the office of Governor is not to be filled up, and that the commanding officer will act as Governor, and enjoy provisionally the Royal Revenues for his remuneration. If this could be carried into effect, it would be a saving to Government of all the allowances which are now made for the support of the Lieutenant Governor.

The objections to this plan are the diminution itself in that source of income by the immense depreciation in the price of native grain in an island chiefly supplied with foreign corn, and by the consequent declension of tillage; and secondly, that new claims, which could not be set aside, might be made on that fund, which in the end would leave but a small balance at the disposal of Government.

We shall just give the names of the Governors of Jersey since Lord Cobham, whose name is better known as one of the friends of Pope. General Huske,—Earl of Albemarle,—General Conway,—General Howard,—Marquis Townshend,—Earl of Chatham,—Viscount Beresford. The Governors are generally sworn in before the Privy Council; which is afterwards notified by an Order to our Royal Court, where it is registered. This supersedes the necessity of producing a Patent here, as was done in former times.

Note 131, p. 135.

There is a still older Rental of that Royal Patrimony, among some Inquisitions taken in the Second year of the Reign of King Edward I, (1274.) It was then but trifling, and makes no mention of tythes, or of any claims on Ecclesiastical property. This curious Rental, though not long, would exceed the space we can assign to a Note. It is in Latin and concludes thus: "*Summa in denariis.—cccc,xxxv libre, xviii solidi, xi denarii; sine Foagio assiso de Triennio ad Triennium.*

Thus in English. "*Total in money.—Four Hundred and Thirty-five Livres, Eighteen sous, and Eleven deniers, exclusive of the Fouage or hearth money, which is raised but once in three years.*

Note 132, p. 136.

It was not Henry VII who seized on the great tythes of the parishes of this Island. They had long been enjoyed by some religious houses in Normandy, as Alien Priors, as they were then called. The possessions of those Alien Priors were finally, according to Heylin, united to the Crown by Henry VI. Those possessions had long been insecure, having been often seized upon, or at least sequestered by our Kings during their wars with France. Instances of this occur in the *Fœdera* lately published by Order of the British Government, to which we shall merely refer without quotations. (*See Fœdera, Anno 1274, Vol. I, Part II, p. 510.—Anno 1328, Fœdera, Vol. II, Part II, p. 729.*) When the Duke of Bedford obtained the government of Jersey from his brother Henry V in 1415, he had among other things the grant of the Alien Priors, as appears in his Patent inserted in the Appendix to this work at page 226.

Note 133, p. 136.

The Royal revenue in Jersey was in its most flourishing state under James I, before it had been diminished during the exile of Charles II. But as the Governor had then to maintain the Garrison, and to make a remittance to the Exchequer, that officer in the end must have experienced a heavy deduction from his apparent emolument. It was therefore an object with the Governors to reduce the Garrison as much as possible, and in other respects, to incur the fewest expences. We have already seen at Note 46, that one of the Charges against Sir Philip De Carteret, was that he did not keep a chaplain for the Garrison, that he might not have to pay any allowance for that purpose. There had long been great abuses, in consequence of which complaints were made to the Royal Commissioners

Conway and Bird in 1617, on whose Report, the King issued soon after some Ordinances, dated the 14th of June 1618, from which we extract that part which concerns the military establishment, which was to be kept up at the Governor's expence. "It is thought expedient and soe ordered, that in the Castle Elizabeth, there bee continually in pay thirty souldiers besides the Master Porter and Master Gunner, and in the Castle of Mount Orgueil, twenty souldiers, besides the Minister, Master Porter, Master Gunner; and that these souldiers doe continually attend the service respectively, lodge in the said Castles, and perform such duties of watching and warding, as is requisite for the safetic and well ordering and keeping of those places.

"It is likewise ordered, that the Master Porter, and Master Gunner of the Castle Elizabeth, have twelve pence *per diem* a piece, and that the Master Porter and Master Gunner of Mount Orgueil have such entertainement as formerly hath bene accustomed, and that the Minister there shall be maintained at the Governor's charge; whether himselve bee present or absent, with such competence as is fitting. Each souldier in the said Castles is to receive pay according to the rate of sixpence *per diem*, to bee paid them monthly.

"And whereas there hath bene heretofore an abatement made by the Governor of Sixteen Shillings by the yeare from each souldier by way of checque for negligences in duties: It is ordered, that there bee no such cheques at all. But if any souldier shall make default worthy punishment, or cheque; that he bee either corporally punished, or cashiered, as the Governor or his Lieutenant in their discretion shall thinke meete, and another enrolled in his place, to keepe the number still compleate.

"And forasmuch as the Castle Elizabeth is seated in a distance from the Island: It is ordered, that the Governor doe give speciall order, that a man of sufficiencie and experience, and such as can command upon occasion, bee lodged continually in that Castle.

"Whereas there were heretofore twelve souldiers of the inhabitants, which held watch every night in a Court de Garde, before the Castle of Mount Orgueil, and were paid onely by the Governor five shillings and sixpence a quarter to each souldier, and were discharged, and the Court de Garde demolished by Sir Walter Raleigh, and not since re-established by the present Governor: It is now ordered, that the Governor doe rebuild, and sett up again the said Court de Garde, and hold a watch therein continually of twelve souldiers of the inhabitants every night, upon the allowance of five shillings, sixpence a quarter, to each souldier, as formerly, together with such allowance, as they formerly had from the country for the same: It is also further ordered that the Master Porter, and Master Gunner of the two Castles, bee men of experience and service, and such as have had charge formerly, and served elsewhere. And that all the officers and souldiers of both Castles, bee natives either of England or Wales."

Mr. Dumaresq in his manuscript, Chap. IV. thus expresses himself about the Governor's allowances:—"This salary is out of the King's Revenue, being invested in all the rights and privileges belonging to the same. It was

therefore valued by the extent of 1607 at *Fourteen Hundred Pounds*; out of which the Bailly, and other Officers of the Royal Court, and fifty soldiers, two porters, and two gunners, besides a minister, were paid, amounting to above *Six Hundred Pounds*, as by an Order of Council before cited of 1618, may appear, and after ratified in 1626, the rest being for the Governor. Since these unhappy wars, there was alienated several manors and rents, as well for rewards of services, as for necessary expences, for the defence of it; insomuch that those former charges of fifty soldiers have been abated; which makes it now as good, if not better than ever."

The Governor may be supposed to clear now from his sinecure not more than from Twelve to Fifteen Hundred Pounds a year, a sum considering the depreciation in the value of money, worth less than the Eight Hundred Pounds, received by Sir John Peyton under James I, or the £1000 a year allowed by Charles II, as a compensation to Lord Jermyn. The civil charges on the King's Revenue have also increased, and may be supposed to absorb about half of the gross proceeds. If on a future vacancy, Government should restore the great tythes to the Clergy, a measure strongly advocated by our Historian, and never since lost sight of, there would remain after paying the civil expences scarcely any balance at all, so that instead of gaining any thing by the change, the Royal Revenue would be otherwise entirely absorbed, and Government have to pay out of the Treasury, the salary of the acting Governor.

These Revenues are *not* collected in the most economical manner. Anciently the Receiver was a mere farmer, who paid the Governor a certain sum, and made what he could for himself. As that often led to oppression the Governor next appointed a regular Receiver, though the *farming system* is well known to have continued much longer. When the Receiver had friends on the Bench, it led to the nefarious system of commuting as many offences for fines as possible, which nominally went to the King, though in fact to the Revenue Farmer. That deplorable state of things is fully borne out by numerous authentic documents quoted by Dr. Shebbeare, in his History of Jersey. To remedy this evil, Lord Albemarle, the then Governor, appointed a second Receiver not quite 70 years ago, to be a check on the former, each with a salary; so that the farming system was abolished as being illegal and oppressive; nor can it be ascertained to have been renewed since. When the Report of the King's Revenues was laid before Parliament in 1822, these amounted to about £3,000 a year, for the collecting of which the Receivers had each a salary of £150 a year, besides an allowance for a Clerk. It may not be amiss to observe in these days of reform and economy, that this charge is extravagant, and that there are many respectable practitioners of the Royal Court, who would be glad to collect the whole of those Revenues of the Crown; for an allowance of £100 a year.

Note 134, p. 136.

These great tythes have since passed by purchase and inheritance through several hands. Of late years a considerable part of them have been sold

separately to the several land owners, so that a great part of the parish of St. Helier is now free from the payment of great tythes. The vicarial, or apple tythes, &c., are due to the Rector, in the other parishes.

Note 135, p. 138.

As the Governor was charged with the whole administration, for which he was remunerated by the King, it was natural that he should provide for the Bailly's salary, when the jurisdiction of that officer was separated from his own authority. The Bailly was anciently very frequently Lieutenant Governor. This was the case with the well known George Paulet under the reigns of Elizabeth and James I. He is styled in the Records *Lieutenant et Bailly*; but during the period of more than a century that the Baillies of the De Carteret family, resided in England, their deputies, who were also Chief Magistrates of the Island, styled themselves *Lieutenant Baillies*. The whole of the difference consisting in the omission of the word Governor, and the addition of the conjunction has often occasioned mistakes on reading the Records.

Note 136, p. 139.

The Governor seldom now attends the Royal Court, as his presence might be in some measure attributed to the desire of over awing its proceedings.

Mr. Dumaresq, Chap. V. thus describes his power, "He is also to be present in Court in all matters that concern His Majesty's interest, or prerogative, but has no voice. But the King's Minister, by his order, may appeal."

Note 137, p. 139.

During the absence of the Lieutenant Governor or Commander-in-Chief, if it was only for one day, the next officer in command is sworn in with all the forms mentioned in the text.

Note 138, p. 140.

It is foreign to our purpose to enter into the relative means of defence of Elizabeth Castle, in the present age, and with the improved means of attacking and defending fortified places. It is however evident that it commands the Bay and the Harbour of St. Helier, while on the other hand it is completely commanded by Fort Regent, whose fall would cause its own immediate surrender.

Note 139, p. 141.

So far from demolishing Mount Orgueil Castle, it is to be hoped that Government, or the Island by its permission, will keep it in a sufficient state of repair. It must be owned that in a military point of view it can be of little use except to protect its adjacent harbour, but still frowning as it does from its lofty height, there is something imposing in its appearance, that connects it with the history of this Island, and forcibly reminds us of the chivalrous achievements of former ages.

It was described as follows by the Royal Commissioners Conway and Bird in their Report to James I in 1617. "The Castle of Mount Orgueil is

seated on the east end of the Island ; the harbour there is not good. For the forme of it, it is strongly built and stands upon a rocke ; but there is a hill which lyes but 140 paces from the Castle, and haugs soe over it, that the cannon being mounted on the hill, will take away all the defence and offence of that Castle against an enemy. The use of the Castle is a countenance of the Island and retrate of the people in case of invasion, or sudden attempt for spoyle."

Mr. Falle in his first edition 1694, page 101, mentions thus what is still called *Gronex Castle*. "Though the map mentions another Castle called Gronex in the West of the Island, it is no garrison, but an old useless fortification, of which little remains, and noted now only for having been the retiring place of Philip De Carteret, and his party, when he stood out against the French in the latter end of King Henry VI."

Note 140, p. 141.

That Fort and Harbour remain nearly in the same state that they were under Charles II, except that the latter is no longer the *principal harbour*. We quote *Mr. Dumaresq's M. S. Chap. V.* "The other Island where the Fort of St. Aubin is built, is also in the sea, and opens and shuts in the same manner as Elizabeth Castle ; but much less, and nearer by half to a great hill, from whence it is commanded. It is kept by three or four files of musqueteers, that are drawn by turns from the other companies, commanded by a serjeant, that has his residence there constantly.

"There is a pier almost finished, adjoining to the north-east point of this small Island, which will be thirty fout high at the head, some three hundred feet long, and above thirty broad. Here all the shipping of the Island resort, *it being the principal harbour*, the conveniency whereof has occasioned a small town, called St. Aubin to be built, (consisting of about fourscore houses,) that daily increases, and would much more, but that the same high hill, that commands the said Fort, hinders it."

That Fort is more ancient than Elizabeth Castle, and seems to have been originally built to secure the harbour at the foot of its rock. It is now a place of very little note, with a detachment of only a few men to guard it, and may be considered in no other light than that of a battery to assist the Castle in having a complete command of St. Aubin's Bay.

Note 141, p. 141.

Cavalry would be but of little use in a small inclosed country like Jersey, where its progress would be impeded by every mound of earth, and where every field would become a kind of entrenched camp. Almost half a century ago in the early part of the French Revolution, Sir James Craig, the then Commander in Chief of the Island, raised a troop of horse, of about one hundred men. These were continued for some years, till they were gradually reduced, and at last were wholly discontinued in 1833.

It may not be amiss in this place to give the opinion of the Royal Commissioners Conway and Bird on the practicability of defending the Island two centuries ago. As their Report is not easily accessible, the extract may not

be unacceptable to our Readers. "The Island being in the protection of so powerful a King, makes it not hard to bee made safe against any sharpe effect or attempt in any kind, without great difficultie, or great cost.

"The people well armed and exercised, and well commanded, are able to save themselves from any mischievous effect of spoyle or incursion of 2000 or 3000 enemyes or more, the accesse being very difficult, easily defended, with few against many, if the companie bee ouce repartited to their several places to defend, as they have beene in former tymes. The country is fast, (*strong*) and at everie 40 paces, where there is not a rocke, the ground is inclosed like Forts, and narrow wayes to passe subject to those grounds and fences. (*See Note 95*).

"Greater force bringing the canon suppose an invasion & cannot well bee moved without noyse, and giving alarum, and in that case, there may bee made at or about Elizabeth Castle, such a retraite for the inhabitants, and soe to bee defended, as may weary out an obstinate enemye, at least give time enough for his Majestie to send them succour, which cannot be taken from them.

"The Castle Elizabeth is seated with excellent advantage to give footing into the Island of Jersey; but is subject to surprize, or all other attempts, except the Islett bee wholly taken in. (*) To which worke nature hath prepared it to bee made impregnable but by famine, which cannot befall them except they bee abandoned.

"The Towne of St. Hillaire's and the Hill adjoining to it may easily bee made a sùre retraite of defence, and still kept in the garde and power of His Majestie's Captaine and Governor there."

Note 142, p. 141.

Mr. Dumaresq thus expresses himself about the Militia. "The train bands out of these twelve Parishes, are divided into three regiments, each of four Parishes. The East, the North, and West Regiments, I cannot exactly find when the division was made; but the name of Colonels is not much above three score years' old with us; the twelve parishes being heretoforè under one body commanded immediately by the Governor, or his Lieutenant, as they are to this day in Guernsey; consisting of no more companies than Parishes, untill Sir Thomas Morgan's Government, who divided them in twenty-seven companies as they are now. The West containing nine, the North ten, and the East eight; the whole train bands with a troop of horse of about three score, consisting of Officers and Soldiers about 2500 allowing fourteen files to every company, one with another; and that is the utmost is usually seen together." (*See M. S. Chapter III.*)

The title of *Colonel* seems to have been introduced about the year 1620. When the Commissioners Conway and Bird reviewed the Militia in 1617, the commanding officers of the respective parishes were still called Cap-

(*) That ground has since been walled in, and goes by the name of Charles Fort.

tains. That part of the Report of those Commissioners concerning the Militia is so curious, that we may be excused to give it in this place.

“The number of the Islanders and their armes, which wee found to be present as followeth :

			Men.	Total.
St. Ouen.	Sir Philip Carteret, Captaine.	Fire Weapons. Short Weapons.	160 70	230
St. Mary.	Sir Philip De Carteret, Captaine.	Fire Weapons. Short Weapons.	51 98	149
St. John.	Thomas Lemprière, Captaine.	Fire Weapons. Short Weapons.	57 108	165
St. Brelade.	Elie Dumaresq, Captaine.	Fire Weapons. Short Weapons.	54 61	115
St. Lawrence.	M. de la Trinity, Captaine.	Fire Weapons. Short Weapons.	60 60	120
St. Helier.	Peter de la Rocq, Captaine.	Fire Weapons. Short Weapons.	92 88	180
Trinity.	Hugh Lemprière, Dilament, Captaine.	Fire Weapons. Short Weapons.	100 130	230
St. Peters.	Ph. De Carteret, Sir de Vinchley, Captaine.	Fire Weapons. Short Weapons.	70 73	143
St. Saviours.	Aaron Messervy, Captaine.	Fire Weapons. Short Weapons.	60 100	160
St. Martin.	Robt. Jacques, Captaine.	Fire Weapons. Short Weapons.	84 126	210
Grouville.	Francis Amy, Captaine.	Fire Weapons. Short Weapons.	69 102	171
St. Clement.	Richard Dumaresq, Captaine.	Fire Weapons. Short Weapons.	38 45	81

“ The totall of all the Twelve Parishes. - - - - - 1854.

“ The totall by them in particular, as
well mustered as not mustered, as
alsoe comprehending the pioneers. } - - - - - 2675.

“ Soe there are more than by the mus-
ter Booke. } - - - - - 821.

“ There were muster rolles delivered of former musters, which doe specifie more men, whereof some being at sea, and most wanting armes, did not shewe themselves ; but the Island undoubtedly hath 3000 men at least able to carry armes.

“ The armes specified are exceedingly defective ; those called by the

generall name of bills, but many bare staves, with noe iron at all, nocuirasses, not 12 pikes, few muskets.

“ There are Twelve Parishes, and those reduced under Eleven Captaines, Sir Philip De Carteret, Seigneur of St. Ouen, having a double portion.

“ The Captaines seeme desirous for the King’s service, and their owne safetic to have their souldiers armed and disciplined, the people out of their owne sence seeme pliable to it ; but want of armes, and a more exact forme of reducing of companies to order and practice than anciently was used hath caused that the men are wholly without order, and without knowledge to use their armes effectually. Yet wee find that the Governor hath from time to time directed his Lieutenants to call upon them for the musters, and showing of their armes ; and that since the time of war there hath not beene more frequent trayning, nor better forme than in that tyme, when Sir John Peyton, the younger, was there, who likewise caused the souldiers of the Castle of Mount Orgueil to use their arms often.”

It would be more correct to say that there are Six Regiments of Militia, as St. Helier and St. Lawrence have long been formed into two separate Battalions, of which that of St. Helier has a greater number of men than any of the Regiments formed from the country Parishes.

The Royal Jersey militia consists of five Regiments of Infantry formed into six Battalions. To each Battalion is attached a company of Artillery. The Artillery companies, are, upon occasion of exercise, formed into a Battalion, which is armed with 24 pounders light ; the whole is armed and clothed in uniform by Government, but do not receive pay.

Every inhabitant, from the age of nineteen to sixty-five, bears arms, either as an officer or private ; and all lads, from the age of sixteen to eighteen, are exercised, weekly, during the summer months.

The Militia Staff consists of an Inspector and Assistant-Inspectors, who are the Adjutants of their respective corps ; the whole Island force is under strict regulations, but though the Governor or Lieutenant-Governor appoints the Officers, and has this force entirely under his own command, yet all complaints against individuals are judged and punished by the Royal Court.

The Militia is now called the Royal Jersey Militia. It obtained that name by a grant from his present Majesty in 1831, on the Fiftieth Anniversary of its gallant resistance under Major Pierson to the French invasion of the Island on the 6th of January 1781.

Note 143, p. 142.

This force has been discontinued for several years. Formerly the horses were supplied by the owners of land according to the value of their estates. Of late years it has become usual to procure horses for the Artillery as a commutation for personal service, when individuals have the means to pay, but from ill health or from some other sufficient cause, have a reasonable claim to be exempted from their militia duty.

Note 144, p. 142.

This establishment is very ancient, and probably as old as the use of field pieces in war. It was formerly at the expence of the respective Parishes, and there are still extant various old documents about the purchase and sale of those pieces. The Magazines or Stores where they are kept, are at the west end of the Churches, of which they evidently once formed a part, and are supposed to have been appropriated to that purpose at the time of the Reformation, when the country was poor and had not the means of building separate Stores, and when it was thought that the Churches would still be large enough for all the purposes of Protestant Divine Service. During the civil wars of Charles I, Sir George De Carteret, fined several of the parishes, according to Chevalier's Chronicle, for having lost their guns in siding with the Parliamentary Party. Mr. Dumaresq, who wrote in 1685, says that some of those guns had been purchased about 150 years before, or 1535, or nearly the period of the first appearance of the Reformation in England. Mr. Dumaresq's authority stands so high, that we quote him with pleasure :

“ To these Twelve Parishes there belongs 24 field pieces, over which Sir Thomas Morgan after he had modelled the Regiments, constituted an officer by the name of Comptroller of the Artillery ; they being heretofore under the command of the Captains of each parish. When they were first bought is not certain, but they were not bought all together. Some have been bought or changed, at least, within these Sixty years, and others about One Hundred and Fifty, which are the most ancient I can find.—The said Artillery is maintained out of the public stock, or revenue of the Parishes, together with the other necessary occasions, either relating to the Fabrick of the Church, or publick necessities of the respective parishes, and sometimes of the Island, when any occasion offers itself.” (*MS. Chapter III.*)

Note 145, p. 142.

These general Reviews are continued to this day, except that the 29th of May is not always selected for that purpose ; but that it depends entirely on the discretion of the Commander in Chief, who generally appoints the King's Birth day, or the anniversary of some other day equally interesting.

Note 146, p. 143.

We beg to refer the reader to Note 142.

Note 147, p. 143.

The ancient Governors, or *Captains*, as they were then called, generally resided in Jersey, and their occasional absence was supplied by a Deputy then called their Lieutenant : but who enjoyed neither the advantages, nor had the emoluments of a modern Lieutenant Governor. The *Lieutenant* was often the Bailly, as was the case with the well known George Paulet, who was Lieutenant to his brother, to his nephew, and to Sir John Peyton under Elizabeth and James I. During this latter reign, Aaron Messervy

a Jurat of the Royal Court was also the Lieutenant. The elder Sir Philip de Carteret, who was Bailly under Charles I, held that office for several years under Sir Thomas Jermyn, who was one of the first of our Governors, who made any protracted non residence. It had the effect of uniting the civil and military power in the same person, of which Sir Philip's adversaries bitterly complained, as we have seen at Note 46. His son, Sir Philip De Carteret, who was also Bailly, was appointed Lieutenant Governor to Lord Jermyn in 1661, (*Héritage*, 25 April, 1661,) but this did not last long; Sir Philip died in 1663, and these two offices are no longer compatible. The Lieutenant Governor is now the Senior Officer, who is sent here by Government on active service, and has all the power and privileges of the Governor, who is allowed to stay away, and to enjoy his situation as a sinecure. It is even doubtful, if his residence would enable him to exercise the functions of a Governor, without some new permission from the Crown. The Lieutenant Governor in addition to his allowances from Government, receives from the King's Revenues in Jersey, nine shillings and sixpence a day, according to a Report of those Revenues laid before the House of Commons in 1822, and about £20 worth of fowls for his table.

Note 148, p. 144.

That singular distinction is observable in two curiously carved old oaken chairs, which are still to be seen in the Royal Court. As the Order of Council of the 14th of June, 1619, which exalted the civil above the military power, in the person of the Bailly, may not be within the reach of many of our readers, we may be allowed to give the following quotation from it. "It is ordered, first, that the Bailiffe shall in the Cohue and Seate of Justice, and likewise in the Assembly of the States, take the seate of precedencie as formerly; and in all other places and assemblies, the Governor take place, and have precedencie, which is due unto him as Governor, without further question."

It may not be improper to say a few words in this place about John Héroult, the patriotic magistrate, who successfully resisted the encroachments of the Governor under James I, and materially extended the privileges of his country. He was a man of great local knowledge, and being Greffier, or Clerk of the Royal Court, was referred to in the Patent of the Royal Commissioners, Gardiner and Hussey in 1607.—"And for your assistance in the due execution of this our commission, Wee have made choice of our trustie and well beloved John Héroult, of St. Sayiour, Gentleman, in regard of his experience in the languages, and customes of those Isles, to attend you, whose service and assistance, wee require you to use from tyme to tyme, as occasion shall serve." Mr. Héroult afterwards obtained in 1611, the office of Bailly. This was opposed by Sir John Peyton, the then Governor. After a long litigation, with him, Héroult, not only succeeded, (*See his Patent in the Appendix, No. 3, p. 234*), but the patronage of that place was taken from the Governor, and restored to the Crown, according to the Ordinances of Henry VII. A salary of 100 marks, or nearly £70 a year was also ordered to be paid out of the

Royal Revenues in Jersey, so that, in that age, and in such a small island, it was enough to render the Bailly independent.

The Governor and the Bailly did not long remain at peace; the former very probably was irritated at the concessions which he had been obliged to make, and the latter would not resign any of the claims which he thought justly due to his office! The matter was heard before the Privy Council, and the Bailly gained his cause with £60 costs from the Governor; a bitter mortification indeed for such a high functionary. The Order itself is not long, (8th Feb. 1616-7.) "Wee doe acquit the said Bailly of any undutiefulness to the Kinge's Majestic, or any injustice in the civill Government, but not from heate of words, which have unfitly fallen from him; for which wee thought fit to give him a sharp reprehension.

"2. Wee doe allowe the Bayliffe for his charges Sixty Pounds; one moitie is to bee payd here before his departure by Sir John Peyton, the younger and the other moytie to bee payd by the Governor at his returne into the Island, together with arrearages due unto him for his entertainment.

"3. Wee hold it convenient, that the charge of the military forces bee whollye in the Governor, and the care of Justice and civill affaires in the Bayliffe."

In 1617 the Royal Commissioners Conway and Bird were sent over to Jersey. The enemies of Hérault renewed their persecution against him, but it recoiled upon themselves, and the Report of the Commissioners contained the most ample vindication of the honour and integrity of that injured magistrate. It appeared in the course of the proceedings, that his own brother whom he employed as his clerk, had received a small fee to which he was not entitled, and Hérault, had the courage and disinterestedness to dismiss him for that trifling irregularity.

Hérault was haughty and overbearing. The manner of his giving the Sheriff an order to summon the States is curious: "*Vicompte, faites seavoir aux Etats qu'ils ayent à comparoistre Jedy prochain neufvième jour du présent moys d'Aprill, à dix heures du matin, en la Cohue du Roy, pour conseiller la Justice aux affaires, concernant le service de Sa Majesté, et bien publicque de l'Isle.—A Saint Sauveur, ce septième jour d'Aprill, mil six cent dix huit.*

"(Sigué) JEAN HERAULT, Bailly."

Sir John Peyton still obstinately persisted to persecute Hérault, in consequence of which the latter was suspended from his office, in 1621. It is not known, what were the causes of this new quarrel. It seems that during this suspension he had appointed a Lieutenant Bailly to supply his place; but as a refinement in cruelty, Sir John Peyton had the interest to obtain a Letter or Order of Council, whereby Sir William Parkhurst was provisionally appointed Bailly during the suspension of Hérault, which in reality was equivalent to an actual dismissal from his office. This is the reason that the name of Parkhurst sometimes occurs in the list of the Baillies of the Island, though in fact little or nothing is known about him beyond what occurs in the Order of Council, which, as a scarce and lately extracted Document from the Archives of the Royal Court, we lay before our readers. (*Samedi No. 32, p. 334, 17th August, 1621.*) "After our very hartie commendations,—You shall under-

stand that his Majesty finding it requisite that the place of Bailiffe of this Isle bee supplied with a sufficient and meete officer, and not bee executed anie longer by a substitute, as heretofore it hath bene, since the late Bailiffe was suspended, and called over hither; hath appointed Sir William Parkhurst Knight, as provisionally chosen by his Majestie to take upon him and execute that charge untill further order bee gyven therein. And therefore wee by His Majesties speciall command herby will and require you, by vertue of your Commission from his Majestie in that behalfe, to passe agreement unto the said Sir William Parkhurst of the office and place of Bailiffe of the Isle of Jersey in such form and with such priviledges, profits, and emoluments, as were contayned in the last Bailliff's Commission, and in all respects answerable to the same, for which this shall be your warrant. And soe wee byd you hartily farewell. From Whitehall, this 8th of May 1622. Your loving friends, (*Signed*) Lennox, Lincoln, Crawford, Arundel, Hamilton, Worcester, Frankland, Curvor, Mandeville, Mr. Secretarie Calvert, Julius Cæsar."

According to Mr. Le Geyt, Hérault was not only personally known to his Sovereign, James I, but had also powerful friends. His suspension was therefore of short duration, and he was honourably restored to all his rights and privileges. His return was hailed with the highest demonstrations of joy, and a deputation from the States waited upon him to reconduct him to the chair in that body.

"*Le Bailly Hérault après sa suspension, pendant le démêlé qu'il eut avec le Gouverneur, ayant obtenu du Roi Jacques son entier rétablissement, et les Etats à son retour dans l'Isle, s'estant assemblés pour sa reception, trois de leur Corps, un des Jurés, un des Ministres, et un des Connétables, savoir, M. de la Trinité, M. Olivier, et M. de la Hague, furent envoyés pour le réintroduire, lorsqu'il viendroit prendre sa place. L'exemple du Bailly Hérault n'était pourtant qu'un effet de la joie que les Etats avoient de le voir revenir heureusement après beaucoup de fatigues et d'oppositions.*"—(*Le Geyt, Article du Bailly.*)

An Order of Council of Jan. 13, 1623,4 (*See Samedi, No. 33, Mardi 27 1624.*) directed the Governor to pay Mr. Hérault the arrears of the official salary which had accrued during his suspension.

Hérault did not long survive his restoration, having died in 1626, and was buried in St. Saviour's Church, the parish where his small inheritance was situated. His house was standing, till within these few years, when it was purchased and rebuilt by Mr. Le Breton, the King's Attorney General. He died poor, and no monument was erected to perpetuate his name; but his memory has survived as that of one of the ablest and most public spirited magistrates, whose virtues ever reflected honour on the high office of Bailly of Jersey.

Note 149, p. 145.

Perhaps it is unnecessary to seek for so many explanations of the words *Coronatores Jurati*. They were acting under the Crown, as we still say, *Crown Officers, Crown Lands, &c.*, in the same sense, as the word *Royal* is now used, on the most trivial occasions. Many years ago an Umbrella maker of Exeter, having summoned courage to address King George III,

during one of his solitary walks on the Esplanade at Weymouth, easily obtained the favour he solicited, and on his return home, an immense board announced to his customers, that in future he was to be *Royal Umbrella* maker to his Majesty.

The words *jurés* and *justiciers* are nearly now out of common use, for which that of *judges* has been substituted. Anciently the word judge was exclusively applied to the Bailly, in the English sense of the *Judge* and *Jury*.

Note 150, p. 145.

We give the following very appropriate quotation from the argument of Edward Allen, Esq. before the Jersey Royal Commissioners in 1821. "The Druidical altars still to be seen in Jersey, and Celtic coins which have been dug up in various parts of the Island, afford not only a reasonable conjecture, but a presumptive proof that the Celts were the *Aborigenes* of Jersey. In this I am still further supported, from the certainty, upon the authority of the best historians, that all the opposite coast was of Celtic origin. If this be so, you, Gentlemen, as classic scholars, very well know, that among the Celts the Judges were elected by the people. Tacitus, in his book *De Moribus Germanorum* informs us that among our Celtic ancestors '*de minoribus rebus principes consultant, de majoribus omnes.*' 'In matters of less importance,' says he, 'the Chiefs take Counsel together, in affairs of greater consequence, all.' And again coming more directly to the point, he further tells us, '*Eleguntur in isdem consiliis et principes qui jura per pagos vicisque reddunt.*' (*Tacitus de Mor. Ger. Capp. XI and XII.*) 'In these Councils are elected the Chiefs who administer the laws through the villages and districts.' So that here we see the right of the people to elect their Judges, is coeval with the very first settlement of the Island." (*Argument, p. 19.*)

Note 151, p. 146.

There is much uncertainty about who were the *optimates patriæ* though it is probable, that in King John's time, when the land was possessed only by a few large landed proprietors, it merely meant freeholders, so that as they progressively increased their numbers, the elective franchise descended to the humbler classes of society. At any rate, it has been proved that the elective franchise, as at present exercised, has existed for some centuries. The elder Sir Philip De Carteret, of St. Ouen, was thus elected Jurat in 1605. An attempt to transfer the right of electing Jurats from the people to the States in 1811, was rendered abortive through the public opposition which it excited. The practice of recommending candidates from the pulpit, never takes place, now, and it is doubtful, notwithstanding Mr. Falle's authority, whether that practice ever existed to any extent. The evil of elections, first contested, and then afterwards litigated before the Royal Court, and the Privy Council, had become within the last fifty years an intolerable grievance, and occasioned enormous expences to the candidates, as well as kept the Island in a state of almost perpetual commotion. The States had long ineffectually endeavoured to remedy those evils but to no purpose. At length

a law was confirmed by an Order of Council in 1835 to remove those electioneering abuses, and to diminish the chances of litigation in future. That law is yet too recent to enable any one to pronounce a decided opinion about its efficiency. It is time only that will show how it will work.

Note 152, p. 146.

The profanation and the riots which often occurred at contested elections, had become a serious grievance, which occasioned frequent complaints, and at length excited the attention of the States. At the same time many pious Christians were indirectly deprived of their elective franchise, on account of their religious scruples, which prevented them from voting on Sundays. These Sunday Elections were finally abolished by an Order of Council early in 1831, and Tuesday is now substituted; nor are elections now held under the Porch, or within any of the precincts of the Church.

Note 153, p. 146.

The official duties of a Jurat, either as a member of the Royal Court, or of the States, require much loss of time, and necessarily occasion some expence. In modern times that the States have assumed considerable importance as the local legislative body, a permanent seat in that Assembly is become one of the principal inducements to be elected a Jurat. It is however, the opinion of many persons, that the judicial functions of the Jurats on the Bench, and their senatorial duties in the States are incompatible, and ought to be separated. But like many other speculative theories, this may in fact be correct, though in practice no evil may have resulted from having followed the opposite course. An Order of Council of 1813 directs that the Jurats should be selected from those individuals who are most distinguished for their knowledge, integrity, and other qualifications.

Note 154, p. 147.

The sentence *which hinders not his acting with less controul in other affairs of daily occurrence*, is obscure, and cannot refer to any judicial authority of the Bailly. Till 1797 the salary of 100 marks granted to Bailly Hérault, in 1614, had been continued, when it was raised to £300 a year, payable out of the Royal income in the Island. The value of that place has been much improved since; and it is supposed that with fees and other perquisites, it is now worth about £800 a year.

Note 155, p. 149.

Speaking of those Royal Commissioners, M. Le Geyt coincides with our historian and thus expresses himself: "*On a toujours choisi des hommes de savoir, d'expérience, et de qualité pour Commissaires.*" The functions of those Commissioners have not always been the same, but have varied according to the directions of their Patents. Gardiner and Hussey in 1607, heard a great number of causes in appeal, so that their Commission seemed to revive the proceedings of the Justices Itinerant of old. Their judgments are registere in a separate book, and are in the English language. They are remarkable for

their good sense and for their equity. Their Report, as well as some Orders of Council which were issued in consequence, in 1608, are still extant, but either were not registered, or have been abstracted from the Records. Those Documents are very voluminous.

Note 156, p. 149.

In point of fact, these Acts become mere Orders of Council issued by the Sovereign as Duke of Normandy; nor can any Act of Parliament acquire the force of law in Jersey till it has been submitted to the Royal Court, and been duly registered.

Note 157, p. 150.

Since printing the text of this history, the law just quoted above respecting appeals has been changed by an Order of Council of the 24th of June 1835, and registered the 6th of August of the same year. The repealed law and the paragraph about *Doléances* are inserted in the Jersey Code of Laws of 1771, page 168. The new law is as follows: Art. XIV. "The judgment of the inferior number, (*of two magistrates,*) shall be final in all causes for chattels, whose value shall not exceed the sum of Five Pounds. The decision of the Quorum of the Court shall be final in all causes for chattels under the value of Eighty Pounds."—The law consequently respecting real property and Doleances, remains untouched. Mr. Falle speaks cautiously respecting Appeals to Council. The Royal Court have sometimes erred in their judgments, the more so in a country where the written law is so imperfect, and where so much is left to the discretion of Jurats, who not unfrequently are under the influence of partiality, or the animosity of party feelings. It is however but justice to observe, that the judgments of the Royal Court have in the greater number of instances been confirmed by Council, and that in matters concerning real property, where the law of inheritance is more precise, they have seldom been reversed.

Formerly there have been appeals, when between the delays occasioned by the parties themselves and other causes, it has sometimes been the work of a whole life before a decision could be obtained from the Privy Council. As to the applications in political or legislative matters, they have often been laid on the shelf, and never heard of again. Appeals are often asked, which are never followed up before Council, and on the whole fewer appeals come to a hearing than is generally supposed. It is rather surprising that in a country where property is so much subdivided, those appeals are not more common. It is on the contrary to be lamented, that it is so expensive to obtain justice at the Council Board, that many people prefer to put up with a certain injustice, to seeking redress at an expence of at least £200 or £300.

Note 158, p. 151.

Strictly speaking there is no criminal code, so that the Court, after conviction of offenders, is mostly guided by precedents, or by its own discretion derived from the analogy about what the law would do in other countries in

inflicting punishment. To facilitate the finding of those precedents, which were formerly registered promiscuously with the civil proceedings of the Court of Catel, the judgments in all criminal cases, have since the beginning of this century, been entered in a separate book.

Note 159, p. 151.

A century has elapsed since Mr. Falle published his History, and the loyal character of the inhabitants has continued unstained by any instance of high treason, or even of disaffection to Great Britain. Even the ancient instances of Geoffrey Wallis and of Sir Richard Harliston are not in point. Sir Richard was not a Jerseyman, (*See Note 120 p. 128*) and as to the latter, his History is involved in much obscurity. Their treason, however, occurred during the civil wars of the Houses of York and Lancaster, when those who appeared in support of either would scarcely be now called traitors. Mr. Falle, has not observed that Harliston was a Yorkist, and the other a Lancastrian; consequently it would be absurd to say that both were traitors. I fear that the Chronicler, Chap. VIII, is incorrect as to the name of that person being Wallis, or that Catherine of Vinchelez was his heiress, who is designated in her deed of gift to Richard de Carteret which is still extant, as the daughter of John De Vinchelez. It appears also by a Patent under the Great Seal, of the 12th of Henry VII, (1497) that *Geoffrey Welsh* had not been attainted, and that his inheritance was restored to *his heir* and kinsman John Faulteroy. I should rather suppose, that the real name was *Waice*, the same as that of the Poet at Note 117, and that he was a Jerseyman, who having followed the fortunes of the Earl of Warwick, was involved in his ruin, and his property confiscated, which was not restored for nearly 30 years, till the ascendancy of the Lancastrian party in the person of Henry VII. *p. 458*

Note 160, p. 152.

The *Retrait Lignager* was abolished by an Order of Council in 1834. Originally that law might have been very proper, but latterly it had become liable to great abuses; for instance, if a kinsman, or the Lord of the Manor thought that property had been sold advantageously, he contrived to get the bargain for himself, or to extort a sum from the buyer. If the bargain was set aside the buyer not only lost the chance of any improvement which might have taken place in the value of the property, but nearly a twelve month's interest of his purchase money.—The *Jus Protimeseos*, or *Retrait Foncier*, has been continued, but the person who avails himself of his right to claim it, is bound to pay all the expences to be incurred in the proceedings. The right of action, like most others of the same nature is limited to a year and a day.

Note 161, p. 152.

Formerly those Ordinances were enacted indifferently by the Court, particularly that of *Héritage*, and by the States, but since the Order of Council of the 8th of March, 1771, prefixed to the Jersey Code of Laws, that right has been exclusively vested in the latter Assembly.—“And his Majesty doth hereby order that no Laws or Ordinances whatsoever, which may be

made provisionally, or in view of being afterwards assented to by his Majesty in Council, shall be passed but by the whole Assembly of the States of the said Island; and with respect to such provisional Laws and Ordinances so passed by them, that none shall be put or remain in force for any time longer than three years, but that the same, upon its being represented by the States to His Majesty, that such Laws and Ordinances are found by experience to be useful and expedient to be continued, shall, having first obtained His Majesty's Royal Assent, and not till then, be inserted and become part of the Political Laws of the said Island."

Note 162, p. 154.

It is evident that Mr. Falle misunderstood the principle on which a *Décret* proceeded, and that he disapproved of it. In his first Edition, page 111, he says: "Few of the debts are upon bond, in comparison of those that result from arrears of rents, and rents bought for arrears of these Rents. Wherein we have a custom, as old as it is injurious; viz: That arrears of rents shall have the same privilege as the rent itself; and that a rent bought in payment of arrears of a rent *foncière* shall retain the nature of those arrears and consequently of the rent of which they are arrears. Which absurdities have been so long followed, that they have strangely intangled our practice in point of Decrees."

Dr. Shebbeare, with his usual vehemence, gives his opinion about a *Décret* as follows: "Among the singularity of customs, which are contained in this Island, that of an insolvency is not the least remarkable. When a man is so far indebted that he is no longer able to discharge his incumbrances, should he be arrested and confined in prison, he has the privilege of reavoucing his right to his estate and effects, and to surrender them to his creditors, of this the Court takes cognizance: he is immediately discharged from his confinement, and the magistracy form what is called a Decree.

"All creditors are then ordered by proclamation to bring in a list of their debts, on the penalty of being excluded from the right of being paid. These are entered on a roll, kept open for that intent. The whole number of the creditors being thus known by the Court, they invariably begin with the last who gave the insolvent credit, and ask him if he will take the whole estate and discharge all the demands. If he acquiesces with this proposition, he is obliged to answer these incumbrances, and whatever remains belongs to him. If he declines the offer, he is excluded from all claim on these effects, and the same question is proposed to the next creditor in ascent. In this manner it is continued, until some one accepts it on the terms just mentioned; and then that acceptant is declared to have made himself possessor or *tenant*.

"It is difficult to suggest what could have been the inducement to a custom so totally irreconcilable with the principles of common honesty and justice; and why the last, and other ascending creditors, should be rescinded from those debts, which are equally just with those of his first:

or by what arguments a priority of credit precludes the subsequent from an equal right to the effects of him who is indebted. Yet such is the custom, and it hath long existed, to the disgrace of Justice and insular understanding.

“ Bonds in this Isle are equally obligatory with mortgages in England, and extend to lands as well as moveables.”

The system of Decrees is also treated in a masterly manner by Messrs. Hemery and Dumaresq, in their Statement, &c. (1789, p. p. 27, 30.)

It is singular that Mr. Falle and Dr. Shebbeare who were no doubt well acquainted with the nature of an English mortgage did not perceive its similarity with the incumbrance of Jersey rents on an estate. When an English gentleman mortgages his land, he surrenders his title deeds into the hands of the mortgagee, so that this particular property becomes not only unsalable, but cannot be submortgaged to a third person. This evidently gives a priority of claim to the mortgagee, who on non payment of interest may foreclose the mortgage; which is but another word for a Decree, when perhaps a number of simple contract debts are lost. Yet nobody ever thought that this preference granted to an English landed security was unjust. Jersey rents may be defined to be a system of submortgaging the same property to different persons, as long as the landholder is considered to be solvent. The successive mortgagers can therefore have no right to claim a security beyond what the property was actually worth, at the time that they acquired their mortgage or rent on the freehold. When A's estate was worth £2000, he sold a rent charge upon it to B. to the amount of £500. The next year, when the property was worth but £1500, he reduces it still further, by incumbering it with £500 more to C. The estate is still further diminished by successive sales of rent, till it comes to G. the last purchaser of rent, when A. the common debtor of all is declared insolvent. So far from all the creditors being entitled to share alike in the debtor's estate, it would be extremely unjust, that B. who lent his money on the unimpaired estate of A. when it was worth £2000, should be in the same situation as F. who lent another £500, when he could have easily discovered, had he inquired, that A's estate was not worth £300, and when no prudent man would have ventured his money on such a security.

The principle for creditors to share alike is equitable in ordinary cases for personal debts, when the debtor may be supposed to have had an interest to conceal his embarrassments, and his creditors have no means of ascertaining their impending danger. But it is not so with a mortgage of landed property where the mortgager ceases to have the means of offering anything more than his own personal security in England, and here in Jersey, where the gross value of any man's freehold may be ascertained for a mere trifle at the office for the Registry of Deeds.

That Registry is open to every one, and no Deed is valid in law till it has been entered there, the consequence of which is, that the value of the largest as well as the smallest real property in Jersey can be ascertained to a fraction, if one thinks it worth while to make the inquiry. The registry will

supply the dates at which each acquisition was made, or each incumbrance was contracted. It is a kind of golden barometer, that will indicate the rise and fall in every man's fortunes, at the different periods of his life. Many have been ruined from not attending to the necessary precaution of employing a respectable professional man, as we have already observed at Note 115; but they ought to attribute the consequences rather to their own indiscretion, than to any defect in the law.

It cannot be denied that the system of rents, and the Decrees, which have resulted from them, have often been pregnant with great and incalculable abuses. They at last became so flagrant, and so frequent, as to excite a general murmur; for it was no answer to say that the law itself, as it was framed, was just, when in the present state of society, it operated but too often as a decoy to ensnare the ignorant and the unwary to their ruin. Those grievances are now, however, in a great measure, removed by a law, in 48 articles, brought in the States by Francis Godfray, Esq., an Advocate of the Royal Court, and since confirmed by an Order of Council of the 14th of March, 1832.

As a matter of mere historical curiosity, we shall lay a few of those grievances before our readers: The parties themselves shall be nameless, though the facts are not the less certain.

A. was embarrassed and owed £400 to B. who declined to receive rents in payment, from which he foresaw that he would be ultimately ejected by a Decree. C. had lately bought an estate on which he wanted to assign rents to that amount. He applied to B. to know if he could recommend him to any good rents to be sold. Yes, was the answer; my friend A. has to dispose of some of the best in the Island, and I will introduce you to him. This was done, the bargain was concluded, and B. was rewarded for his ingenuity by receiving his £400, which had come out of C's pocket. As for this last, he lost the whole of the rents he had purchased, when A. was a bankrupt or renounced some years afterwards; and yet woe would be to him, who would even insinuate that B. was not one of the most upright and honourable men in the Channel Islands.

If A. is embarrassed and cannot pay his creditors; the Court allows him a year's respite to come to a compromise with them. As that is often impossible, A. enjoys his estate in the mean time, and leaves his creditors in a situation much worse than if he had renounced as soon as he became insolvent.

It is however but fair to observe, that this mode of proceeding was originally intended to secure persons from being unwarrantably pressed by merciless creditors. This applies but to real property, which cannot be immediately converted into money, and when a man might be ruined but for this reasonable delay. It is however one of those matters, which ought to be regulated and reformed, but not abolished. We believe that Mr. Godfray, the gentleman already mentioned, has already thrown out hints in the States, that this would engage his attention. (*See Dumaresq's Statement*, page 30.)

A. is insolvent, but he contrives to elude a bankruptcy for four or five years by paying only the most pressing of his renters, and pacifying the rest. When the Decree at length arrives, it is at least 20 or 30 per cent worse than it would otherwise have been.

When property has been renounced, it is by a fiction of law, considered to be vacant, and reverts to the lord of the manor, who enjoys it clear of all incumbrances, till it passes legally into the possession of a tenant. Formerly the enjoyment of the lord of the manor has been known to have lasted for several years, to the great and further impoverishment of the creditors. During that time the rents due on the estate were not paid to the proprietors, and thus became the cause of a new accumulation of debt.

After a tenant had been declared at the Court of Catel, he was bound to pay five years arrears, if so many, or more were due on all the rents which were charged on the estate. And as property was seldom renounced without being liable to heavy arrears of that kind, it occasioned a further loss of 20 per Cent at least, which the tenant was obliged to meet with payments in hard cash, long before he could derive any benefit from his new possession.

Before 1601, title deeds were not registered; but as from the nature of rents, and the liability of many of those deeds to be lost, a law was passed for that purpose at the suggestion of Sir Walter Raleigh, the then Governor. The system of Decrees, which had long existed, ought to have been then reformed, as far as concerned the insertion of Contracts on the Decree Roll. (*Codement du Décret*). Before there was a Registry, it was evident, that the true state of the Renunciator's affairs could only be known but by the claimants producing their deeds, and it was not iniquitous, that those who had either lost their deeds, or who did not bring them in within a limited time, should be debarred of all their demands.

After a Registry was once established, the deeds could have been procured with much less inconvenience from that office, than from their private owners, who would in many instances be the victims either of their negligence or omission. This is precisely the point at which the evil has been remedied by Mr. Godfray's law, but which ought to have been done two centuries ago.

As the law stood, a Decree proceeded as follows: All claimants who had purchased rents, or any other property, or who were in any manner the creditors of A. the Renunciator, were ordered to bring in their deeds or bonds to be inserted in the Decree Roll, under pain of losing them, if they did not comply. It was not unusual, that many who were interested did not even hear of the bankruptcy, and made no insertion, or that the rents originally purchased by B. from A. had passed on by successive sales to H. before A's fortune had become liable to a Decree. In that case as H. did not hold from A. he had no right to make an insertion, much less did he care for, or even think one necessary. As to B. who ought to have made the insertion, he would be either dead, or if alive, he would suppose, that he was as little responsible for that rent, as he would be for any sum of money, which he might have sold out of the Three per Cents twenty years before. Matters however

went on their course very quietly. A tenant was declared in due time, who soon found out all the property not inserted in the Decree Roll or Schedule, and immediately resumed it, as having been forfeited for want of insertion. H. was dispossessed, and the rent by means of a tedious law process was traced back to B. who had not only to replace the rent, but to pay all the law expences, which sometimes amounted to more than the rent itself, so that what B. had purchased from A. cost him ultimately *above 40s. in the Pound*

Such a state of things afforded strong temptations to those who had more knowledge than honesty, and who cared little about their reputation, when their interest was concerned. Instances have been known of persons minutely inspecting the affairs of the renunciator, and ascertaining what real property during the term of forty years would be likely to be lost by the negligence of the security in not making an insertion. The scheme would be kept a secret, till that very individual would continue either in his own right, or by a compromise to be substituted to the right of another (*subrogé*), to become the tenant. This once effected, he would fall on the forfeited property as would a vulture on his prey, and a respectable individual, who had perhaps improved his purchase to ten times its original value would be irrevocably ejected. It is thus that Decrees have sometimes been highly profitable, and that sums have been realized, which the law might not indeed disallow, but which any honest man would blush to possess.

This was certainly the most nefarious part of the abuses which had crept into the practice of Decrees, but there were others, which though not glaring were sufficiently mischievous.

Landed security or *guarantee*, as it is called, extends over a space of forty years. Every deed of sale, and every alienation, or exchange of property made by the renunciator within that long period must be entered in the Decree Roll or Book. Never was there a duller, yet an easier or more profitable way of book-making! The new law has reduced those entries to fifteen years, except in a few cases, where an extension of the term is absolutely necessary.

Between the unavoidable delays of the proceedings, and those that were wilful in some of the parties, the loss of time was immense, and the law expences out of all proportion to the value of the property, which reduced it still further, and compelled a greater number of creditors to abandon their claims. This has also been in a great measure remedied; and the Lord of the Manor's enjoyment is now for so short a time, that it is scarcely worth his while to take possession at all.

The tenant is now liable to pay but *three years* of the arrears of rents due on the Renunciator's estate, instead of five, as formerly.

Options are another peculiarity attending Decrees. The insolvent A. had sold property to D. which he subsequently gave up rather than become tenant. In that case it is at the Option of C. the tenant, to replace D. in the property of which he had been dispossessed (*faire revivre son contrat*) This is often the case, when D. had paid for the property with rents, which the tenant would be obliged to return on resumption; or when D.

pays an equivalent to C. the tenant, to be continued in possession.—When the credit of a seller is at all doubtful, it is always the safest course to make the purchase with rents, and not with money, as in case of an insolvency, it will generally secure the buyer by the matter ending in an option.

A. and B. have long been espoused in holy matrimony, but the lady wishing to recover the right of a spinster, obtains from the Court a separation of her estate from that of her husband. (*Séparation quant aux biens.*) Perhaps the very day the unscrupulous husband will execute a sham deed of sale of all his property to his wife, and if it can be registered, or precede, only ten days any act of bankruptcy, it will be good and valid in law. In case of a renunciation, it has the preference over the unregistered creditors, who lose their demands, and have no other consolation than that of having secured a handsome jointure for the lady at their own expence. As to any reflection on the integrity of the virtuous couple, it would be severely punished by the Court, who had in fact already recognised that integrity by granting the separation, and admitting the Deed of sale without inquiry.

It results from the intricacies of Decrees, that many persons prefer to lose their claims rather than become tenants; or else they compromise matters with some professional man, who is substituted to their right, and becomes tenant on speculation.

Creditors are commonly afraid of a Decree, especially those who are in any danger of losing their claims after insertion. These very readily come to a compromise with the debtor, and prevent most of the evils, which would have accrued, had the Decree or insolvency actually taken place.

There is another mode of preventing a Decree by what is called technically a *transport of héritage*, by which a man conveys the whole of his freehold to another on condition that he will be responsible for all the incumbrances on that freehold. In that case the registered creditors are safe, but the simple contract debts are sacrificed for the debtor after having divested himself of his real property remains without any assential means to ratify their demands.

Many of those abuses, it is candid to acknowledge, are not frequent, but as they may exist, it is doing the public service to hold them out to general reprobation, the beneficial result of which will be either to prevent the danger, by their exposure, of falling within their vortex, or else of drawing the attention of the legislature to make salutary reforms, when it is compelled to do so at the irrcsistible call of public opinion.

Note 163, p. 154.

At this very time there is a law in progress before the States to remedy the present defective mode of carrying on criminal prosecutions. As it is, the second or final Jury consists of 24 freeholders generally, and as much as possible, of persons belonging to the higher class, five of whom are sufficient to acquit the prisoner.

Note 164, p. 154.

Since the increase of business in the Royal Court, it had not been uncommon for suitors to attend term after term before they could obtain a hearing.

A summons is good for three Court days, after which, the suitors have to send fresh summons, and have their causes inscribed on the *Scroll* or Table. There have been instances of witnesses attending, without a remuneration between forty and fifty times. This abuse has also been remedied by the new law of 1835, the article of which is as follows: "*Aux Cours d'Héritage, de Catel, du Samedi et du Billet, il y aura deux tables faites par le Greffier, la première pour les causes à témoins, la seconde pour les autres causes.*"

Note 165, p. 155.

The expence of rehearing a cause has been regulated by the Jersey Code of Laws of 1771, at page 167. "*Les sentences prononcées pour immeubles par moins de cinq Jurés, et pour meubles valant cinquante livres tournois, par moins de trois, seront re-examinées par un Corps de Cour, composé de sept Jurés du moins, aux frais de la partie qui le requerra, pourquoi il sera payé au Chef Magistrat trois livres, et à chaque Juré, Procureur, Vicompte, Avocat du Roi, et Greffier de la Cour, vingt-sous.*" These fees are in what is called *Order Money*, or *One Pound Four Shillings and Four-pence Half-Penny Sterling*. It is seldom however, that the Jurats or Officers mentioned are all present, which ought to make even that expence, to be something less. We are not aware that there is any law to authorise the payment of any other official fees.

Note 166, p. 156.

It is certain that no splendid fortunes are here made in the law as in England; but M. Falle is equally wrong in affirming that justice can be so easily obtained. The facility of bringing on actions for the most trivial matters, the frequency of which is annoying and expensive, and being but too often encouraged by some of the practitioners of the Royal Court themselves, is one of the most serious evils of which the inhabitants have to complain.

Note 167, p. 156.

The business of the Court is now continued without interruption to the end of the term, and as the second term, or that of January, was abolished by the Jersey Code of Laws of 1771, (page 215,) the Winter Vacation continues from the 5th of December, till the opening of the Spring Term on the 11th of April following.

Note 168, p. 156.

It has often been wished that a good insular Code of Laws could have been compiled. It appears from an Act of the States of the 13th of August 1608, that a Royal Commission had been issued to George Paulet, Bailly of Jersey, and to Amice De Carteret, Bailly of Guernsey, and to some others, to prepare a compilation of the kind for the use of both Islands, but the States shrunk from the difficulty of the undertaking. Their words are remarkable, "*Ont tous trouvé cela bien expédient, mais à cause de l'importance qnt pris tesme, (différé,) de desclarer ceulx qu'ils trouveront les plus capables, à la prochaine Assemblée.*" It need scarcely be added that the States of that period never took up that subject again.

In 1771, the States appointed a Committee, who compiled a very imperfect Code of Laws, which afterwards received the Royal Sanction, and was printed. It was mostly a collection of the old local ordinances, many of which were obsolete and even ridiculous. The consequence has been that that Code has been rendered still more incomplete, by considerable parts of it having been since repealed.

Note 169, p. 157.

Mr. Le Geyt differs from Mr. Falle, and in his Chapter *des Jurés*, enters into a long discussion to prove, that *la Somme de Mancel*, is no other than the Coutume or Coutumier of Normandy. The reasons he gives for this opinion are very strong, and seem to be conclusive. The passage is too long for quotation, to which we shall refer the reader, and merely insert a few lines containing the substance of his argument: "J'ai vu un vieux M.S. que quelques uns sans fondement estiment être *Mancael*. (*Chap. du Bailly.*) —Près de Cent Ans après le Roi Jean, il vint à Jersey des Justiciers Itinérants, (*) qui demandèrent par quelles loix l'Isle se gouvernoit. *Communitas Insulæ allocuta quâ lege utuntur.* On répondit que c'étoit par la loi de Normandie, hormis que de temps immémorial, on y avait usé de certaines coutumes différentes de la loi de Normandie, *Prout patet in quâdam Cedulâ, quam hic liberaverunt.* Cette Cédule étoit un écrit par lequel les habitants déclaroient que la Coutume de Normandie étoit écrite dans un livre anciennement appelé *Mancael*, excepté quelques Articles, que cette Cédule contenoit. Il me semble, que ce Livre qu'on nomme *Mancael*, ne peut être autre chose que le Livre imprimé, qu'on appelle le Vieux Coutumier de Normandie, &c." (*Des Jurés.*)

Note 170, p. 157.

The precedents of the Royal Court are overwhelmingly numerous, and are so often unjust and contradictory, that they may be compared to papers in so many pigeon holes, from which some may be taken out to suit every occasion. They ought therefore to be received with particular caution, even setting aside the ignorance, prejudice and party feeling, which may have dictated several of them: allowances must still be made, when viewed in the most favourable light, that men of different minds and under different circumstances, will often decide very differently about the same matters. On the whole Mr. Falle would have done more wisely not to have quoted a source of law of so questionable a nature, and in which so much corruption was discoverable.

Note 171, p. 159.

The Court House, according to Chevalier, was rebuilt by Sir George De Carteret in 1647, and is that here spoken of by our historian, which was again rebuilt in the early part of the reign of George III, and is the building now in use for judicial business, for the meeting of the States, and offices for the custody of the Records and the Registry of Deeds.

(*) John De Fresingfield and William Russell, in the second year of Edward II. (1309.)

Note 172, p. 159.

Mr. Falle in his first Edition of 1694 gives a very high account of a Court of *Héritage* dinner, but which in these times would appear almost ridiculous." (*Chap. IV, p. 109.*) "The Governor in the King's name, or the Receiver by command of the Governor, causeth a solemn dinner to be prepared, where besides the Court, those gentlemen before mentioned holding fiefs from the Crown, have right to sit, and are therefore said in the *Extent* and other Records, *edere cum Rege ter in anno*, i. e., To eat with the King three times a year, a custom doubtless older than the conquest. 'Tis said *Three times a year*, because we have so many Terms, and this Court is the opening of every Term." Dr. Shebbeare in the first Volume of his History of Jersey, page 294, gives also a very ludicrous account of the Court of *Héritage*.—"Be it as it may, the unsparring principle of temperance and economy have extended their Reform, even to the Court of *Héritage* dinners. The Seigneurs and the Jurats, since the abolition of the January Term in 1771, dine with the King now but twice a year, and that honour of being invited, is scarcely even conferred on any one, but on those who have a legal right to be present at this delightful banquet."

Note 173, p. 160.

The right of those Officers to speak in the States had often been disputed, till at last it was settled by an Order of Council of March 24, 1824, that the King's Procurator and the King's Advocate had a right to be present in the States and to speak on all subjects, if they thought it proper, and the right of the Viscount to be present was also established. It did not appear from any of the Documents that were then submitted to the Privy Council by either party, that the Viscount had ever spoken in the States.

Note 174, p. 161.

From the period of the Reformation till within the memory of man, there were generally some foreigners among the beneficed clergy of the Island, and as their names occur in the meetings of the States, it is to be presumed, that they had been naturalized. It is however doubtful whether at the present time, and considering how the law stands in that respect in Great Britain, whether such foreigners would be admitted into that Assembly. The States often grant Acts of naturalization, but they cannot be good for more than three years unless confirmed by His Majesty in Council, nor even then, can they extend beyond the precincts of Jersey. It is however a privilege of great importance, which the States ought not to use, but with a great deal of circumspection, that they might not awake the jealousy of the mother country.

This right of naturalizing foreigners is very ancient, two of those Acts are one of the 11th of June 1546, and the other of the 5th of October, 1549. The latter was to naturalize Maistre Martin Lengloys, a protestant minister, who had introduced the Reformation into this Island. "En la présence de Monsieur le Lieutenant pour le Roy en ceste Isle de Jersey, et la justice et

des Etats de ceste ditte Isle, Maistre Martin Lengloys a esté juré et a prins serment sollempnell d'estre vray subject et obéissant à nostre avant dit Souverain Sire le Roy Edouard Vlme par la grace de Dieu, Roy d'Angleterre, &c."

Note 175, p. 161.

The right and the manner of summoning the States, were finally settled by an Order of Council of June 2, 1786, to which we refer the reader. As the law is at present, it might be attended with much inconvenience. The Governor and the Jurats have each the right of requiring the Bailly to summon the States, nor can the latter hold them without the consent of the Governor. If however that functionary should have an understanding with the Bailly, and if their influence should be able to thwart the Jurats, the States might in that case be hermetically closed, till they were opened again after a tedious and expensive application to the Privy Council for that purpose.

Note 176, p. 162.

This negative voice is further explained and established in the Order of Council of March 8, 1771, which is prefixed to the Jersey Code of Laws. The Governor has seldom used that privilege, which after all, is harsh and unpopular, and ought not to be used but in extreme cases. It was however had recourse to by the two last Lieutenant Governors, Sir Colin Halkett, and Sir William Thornton. The Bailly also obtained a kind of negative voice, under the name of *Dissent* by the Order of Council of June 2, 1786. He can employ it but when he conceives that the States are acting illegally. It is then that the *Dissent* stops all their proceedings; but he is obliged to give his reasons in writing at the time, and to transmit them immediately to the Privy Council. These precautions will in most cases prevent any abuse of this extensive power.

Note 177, p. 162.

The States at present have not the power to order any new levies of money on their countrymen, or even to contract loans without the permission of His Majesty in Council. Formerly a rate was assessed on the inhabitants to enable the States to meet the public exigencies of the Island. Every parish paid its proportion to this rate, according to its relative resources. These proportions have not always been the same. Those now in use is in the Jersey Code of Laws, page 275. The proportions in the First Book of the States, 1603, page 1, are different from those of the present day. More than half a century before, the States had already ordered a rate to be levied, the proportions of which were different from the subsequent ones, (*See Rolls, No. 2, October 1, 1550.*) It is therefore evident, from these precedents, that the States, with the sanction of His Majesty in Council, have the right to change or modify those proportions according to circumstances. This rate has not been raised for many years, but the deficiency is supplied by other funds at the disposal of that Assembly. These arise from a small duty on Wines and Spirits to the amount of a few Thousand Pounds a year, subject however to a heavy debt.

Note 178, p. 162.

Those accounts are annually referred to what is called the Committee of the Defence of the Island, whose Report is afterwards laid before the States, where it is generally approved of. A great part of the business of the States is now transacted by Committees.

Note 179, p. 163.

The exact period of the formation of the States is unknown, though undoubtedly very ancient. They are recognised to have been such as they are now in the Ordinances of the Royal Commissioners Pyne and Napper in 1591, but they existed in their present form long before that time. Some times, however, the States contained all the notables of the Island, and it is perhaps owing to that circumstance, that they are now called in the Records the *Commun Conseil de l'Isle*. In 1545, 6, Feb. 10, one of those meetings took place in Trinity Church, to take into consideration a letter from the Governor, the Marquis of Hartford (Duke of Somerset)* On the 6th of October, 1554, a meeting of the States is styled *Justice et tous les Estats et Commun Conseil de ceste Isle*. Its proceedings were important as being a defence of their privileges. The States met in June 30, 1546, in the heading of which are recorded the names of all the absent members. A few years afterwards, December 30, 1553, Richard Payn, Rector of St. Onen, was fined for his non-attendance in the States. But not to multiply very ancient examples, one more will suffice. The Heading of the States of the 24th of January, 1587, 8, only a little more than three years and a half before Pyne and Napper, was the very same as at this day.

It results therefore in substance, that the present constitution of the States had existed long before Pyne and Napper, and that, it appears from the earliest Records that they exercised some legislative power. The Court however did the same, so that the Island till 1771, presented the anomaly, of having simultaneously two separate legislative bodies. Some of the headings of the States merely name the Jurats, and then add generally, the *Common Council of the Island*, and there is still extant an Order of Bailly, Herault in 1618 to summon the States to advise the magistracy, (*pour conseiller la Justice*).

Thus the legislative and judicial constitution of Jersey, is still the same with a few changes and modifications, as it was in the time of our historian. It is however impossible to express an opinion about its future permanency; or whether that permanency would be desirable for the country. The majority of the inhabitants wish for its continuance, while others imagine that it ought to be improved in proportion to the march of intellect, and the improvements which are progressively taking place in the surrounding countries. On the other hand it is contended, that the present insular constitution is venerable from its antiquity; that under it the country has invariably flourished; that innovations are always dangerous, and that under it the Is-

* The States met on the 19th of October, 1542, and did already, as they do at this day, contain a full heading, or denomination of all the members.

land has preserved a kind of national existence as a loyal and distinct people, all which would be lost as soon as they were made to share in the institutions of Great Britain, and perhaps compelled to share in the burden of its taxes. Whatever may be the result, let us hope as good patriots, that Providence in its wisdom will order all for the advantage of our dear native land.

Note 180, p. 164.

For many years past the army clothing and accoutrements of the militiamen have been supplied by the King, so that the rich proprietors are relieved from the expence of supplying their poor neighbours with arms. In the division of estates among co-heirs, the eldest son has still an allowance, which may be estimated at about 30 shillings a year for each musket, which he is liable to furnish. The number of those muskets is according to the value of the respective estates. Most of the principal land holders are officers, and serve at their own expence. We had omitted to state at Note 142, when speaking of the insular artillery, that by an Act of the Court of April 16, 1551, the Constable of St. Mary was ordered to pay one Nicholas Le Cousteur, for the purchase of two pieces of Artillery.

Note 181, p. 165.

It would appear from an Inquisition of the Services, &c. due by the Island, of the 32d of Henry III, (1248), that Justice was administered in the Islands by Justices Itinerant sent from Normandy. (*Art. XV.*) "Item dicunt quod tempore Regis Henrici, Patris Regis Johannis, Radulphus de Walemut tenuit Assisas in Insulis, et terras tunc vastas feofavit, at ad redditum assedit, scilicet singulis anni XXX libras turonenses."

After Normandy had been subjected to France, a new order of things became absolutely indispensable, the result of which was the Charter of King John, and the institution of Jurats.

It does not appear that all the Constitutions, or the whole Charter of King John, were given by that Prince; but the error has arisen from the circumstance, that the collection now extant, was collected from the answers to several ancient *Quo Warrantos*, by the Revd. Thomas Olyvier, who was Rector of St. Helier, a person of some note in his time, and whose name often occurs in the transactions of the States. The copy of that Charter which is now in use, was, according to Mr. Le Geyt, presented by him (Olyvier) in 1604, to Sir John Peyton, who was then Governor of Jersey.

The right of Henry VII is the next remarkable period in the History of the privileges of Jersey. The Charters which were granted by that Monarch, were however but confirmations of the Constitutions of King John, with such additions as the circumstances of the times had rendered necessary. The Charter of Elizabeth is again nothing, but a more detailed confirmation of the grants of so many former princes. This again was ratified by the four Kings of the House of Stuart.

In a Record of the 2d of Edward II (1308), the inhabitants of the Channel Islands are mentioned as having all the rights of "British subjects, and ought

not in any wise to be treated as aliens." "Omnesque et singuli de Communitatibus illis, ut indigene, et non alienigene reputati, nec ad aliquas custumas, tanquam alienigene infra regnum nostrum solvendum debeant compelli."

Note 182, p. 169-171.

This privilege would seem to be a contradiction to that unceasing hostility of France, to which they have at all times been exposed since their separation from Normandy. No doubt can however exist that the privilege had once existed, though it is still more doubtful whether it was ever respected to any extent.

It is however possible to conciliate this seeming contradiction, if we suppose the Channel Islands to have been then considered for the mutual advantage of the neighbouring potentates, as free ports, or a kind of Hanseatic Towns, a privilege for which from their particular situation, they were eminently well adapted. The Bull of Sixtus IV mentions the advantages they afforded as places of shelter for vessels in distress, and their conveniences for the prosecution of trade. Commodities from other places would be brought there, and exchanged for those of other countries, and the Islands being small and insulated spots, then of little importance, that traffic would not be thought to be so dangerous, to any of the surrounding states, as if it had been carried on from any port in the heart of their respective dominions. The fishery of congers was carried on in those ages, as we have already seen at Note 93, on an extensive scale in the Islands, where traders from the Continent resorted for their necessary supply of that salted commodity.

The strongest reason for the concession of this neutrality is however to be sought principally in the very limited commerce of those times, and that it excited little or no attention, or jealousy among the contending powers. It was not yet understood, that the resources of trade are one of the chief sinews of war, and that its annihilation is always the most effectual means of annoying, if not of subjugating an enemy. The rival powers did not extend their views beyond the mutual conveniences to be derived from the exchange of useful commodities.

Be it as it may, the Channel Islands must have made a very early progress in navigation, for which they were indebted on account of their geographical position. The First Volume of the *Fœdera*, part II, p. 928, 1301, contains a list of the several English Ports, which were ordered to send their contingents to the fleet of Edward I, at Berwick, for the invasion of Scotland. It is gratifying that our Islands were in that list, and that they were ordered to furnish ten vessels.

The neutrality was nevertheless but little respected, and never existed without controversy except in old parchments and charters. The Islands had been repeatedly ravaged notwithstanding their exemptions from being made the scene of hostilities. We shall quote from the *Fœdera*, but a few examples, which are of the reign of Edward III, A. D. 1335, p. 969.—Order to fortify the Islands on account of the appearance of a large hostile fleet.—

1337. A Commission to train the inhabitants of the Islands to the use of arms.—1337. p. 982. Seizure of the Alien Priors by the King.—1338. p. 1026. Ravages of the French in the Islands.—1340. p. 1110. Horrible cruelties committed by a French fleet in Guernsey.—1342. Thomas de Hampton, Warden of the Isles, unable to make a remittance to the Exchequer on account of their having been ravaged.—1340. p. 1154. A Royal Letter demanding assistance from the Islanders, and a promise of favour.—1341. p. 1167. A Confirmation of Privileges.

We may suppose that this unsettled state, or rather struggle between real hostility and inefficient privilege continued for about 150 years longer, till the latter end of the reign of Edward IV, when an application was made to the Pope, by that Sovereign, and the people, and the clergy of the Channel Islands to annihilate that horrible state of outrage and devastation by means of the severest censures of the Church. His holiness issued a Bull in consequence, (*See pages 171 and 132*) which probably repressed the depredations and piracies it mentions, but could not restore that neutrality which neither party would be inclined to respect. The Bull itself is a curious document, and fully indicative of the high pretensions then arrogated by the Church of Rome; but which would never have been found fault with, had they always been thus applied to promote the restoration of peace and good will among mankind. We regret that its extreme length prevents our laying a translation of it before our readers, a French one of which has however been published in the Appendix to *Le Jeune's History*, p. p. 31—50.

The Bull is dated the 1st of March 1483, or nearly a year after the death of Edward IV, who had expired April 3, 1483. The observations of Mr. Falle, (*page 172*) on Richard III are inaccurate. Edward IV had indeed applied for the Bull, but had not lived to see its grant, much less its publication. Richard III was already on the throne when the Bull arrived, and it was not necessary to be either *a tyrant or an usurper*, for a Sovereign to examine, whether an indulgence granted by a foreign Potentate to any of his own subjects, might not be *prejudicial to him and to his kingdom*. The reign of Richard III was so short and so stormy, that he could not have given much attention to this Island, whose inhabitants were probably not entirely Yorkists, though Harliston, the Governor, and Philip De Carteret, of St.-Ouen were of that party. The Earl of Richmond, since Henry VII, would not have sought an asylum in Jersey, had he not had there some concealed friends.

The Bull of Sixtus did not produce the effect of restoring security to the islanders. There is a curious Act of the Royal Court of the 21st of October, 1545, by which the inhabitants are enjoined to carry sticks for their protection, (*porter des batons.*) It was not many years before, that according to the Jersey Chronicle, (*See ch. xviii.*) Richard Mabon, the then Dean of the Island, had been dragged out of his bed, taken on board of a Spanish freebooter, and been obliged to pay a heavy ransom for his release. It is nugatory to talk of the neutrality, which our ancestors are reported to have enjoyed, among whom such a disorganised state of society was tolerated.

The XXIVth Chapter of the Jersey Chronicles contains some curious particulars how this neutrality was at once neglected and respected at the same time, about 1550. Henry Cornishe, the Lieutenant Governor of Jersey, had a vessel of his own which was richly laden and at anchor in St. Catherine's Bay, carried off by some French Galleys, while that gentleman protected some French barks then trading in Jersey from capture by some English vessels. A violent altercation is said to have taken place between Cornishe and one of the English Captains : but the former was firm in his resolution to protect the French traders and succeeded. "*Il vint aussy des barques d'Angleterre du temps du dit Henry Cornishe, Licutenant en ladite Isle de Jersey, lesquelles barques estoient en guerre contre les François. Entre quelques barques, un des Capitaines d'icelles voulut prendre et emmener quelques barques de France, qui pour lors étoient en Jersey, avecq de la marchandise tant de toilles que vins et aultres choses, ce que ledit Cornishe ne voulut permettre, &c.*" It cannot be doubtful that such a neutrality has existed, but it is equally certain, that it was never effectual but so far as it suited the convenience or the interest of the belligerents, and this instance of Henry Cornishe may have been something not unlike the trade, that was carried on with France during the late war by means of *licences*.

The case of the privateer of Morlaix, and the Letter of the Count of Laval, &c., are of little consequence, and were either the effects of an ostentatious liberality, or of an interested desire in either of the parties to revive an impracticable neutrality, which had never been fully efficient, and which, as it were by mutual consent, had fallen into disuse.

Note 183, p. 171.

It has not been our good fortune to meet with Pointy's case, and therefore we shall not discuss it. There is an Act of the Court of August 25, 1548, about some *privateers*, and another of December 28, 1549, on the same subject, from which it appears that two mariners of Granville, Jean Gaultier and Guillaume L'Esvesque, having been taken by an English pinnace, were ransomed for 18 Crowns of gold, which were advanced for them by John Mallet, of Grouville, under the security of Louis de Caval, a merchant of Rouen. Caval having afterwards endeavoured to elude this payment, was compelled to make it good by the Court.—Those facts are very far from proving that these Islands were either neutral, or had a right to be treated as such.

Note 184, p. 172.

John Bailhache, the person in question, was a Jerseyman, and therefore it did not require this pretended neutrality to procure the restoration of his property from an English Privateer. The difficulty that must have arisen must have been on the ground that the goods in question belonged to French subjects, and that their capture was resisted on something like the modern principle that *free bottoms make free goods*. It is a pity that Mr. Falle has not referred to the part of the Rolls of the Court in which these proceedings are to be found.

The name of the same individual is connected with an Order of Council of the 23rd of July, and registered the 26th of August, 1628, which shows with how much diffidence one ought to refer to the justice of those times. A bark of which John Bailhache was the owner, having been drawn up on shore to be caulked, an accident happened by which two men were killed. The vessel was forfeited as a deadand to the King, and the unfortunate owner having appealed to Council, the former sentence was confirmed, and he was further obliged to pay £20 costs for his obstinacy!!

Note 185, p. 173.

Those Norman Ecclesiastics had not a very quiet enjoyment of their possessions, as appears from the *Fœdera* lately published by order of the British Government.—*Edward II*, 1339. *Vol. 1, p. 70.* The Natives of the Islands not obliged to answer before the Bishop of Coutances.—*Vol. 1, part II, p. 510.* Petition of the Prior of St.-Michael in Periculo-Maris for the restoration of Church property in Jersey.—*Edward III*, *Vol. II, part II, p. 729*, 1328. Sequestration on the Religious houses in Jersey removed.—*Edward III*, *Vol. II, part II, p. 969*, 1337. Seizure of the Alien Priories by the King—Other examples might be adduced, but suffice it to observe, that this precarious state of things continued, till the Island was finally withdrawn from the jurisdiction of Coutances, in the early part of the reign of Queen Elizabeth.

Note 186, p. 174.

(See Note 183.) It was during the first American war that Privateering was carried on with the greatest success from the Channel Islands. During the late war that the French trade had been nearly annihilated, the number of Privateers had diminished in the same proportion.

Note 187, p. 176.

As this extraordinary piece of antiquity was subsequently better discovered and investigated in 1785, and then afterwards most injudiciously as well as most unfortunately allowed to be removed out of the Island, our readers will not be sorry to have Mr. Pless' own account of that transaction.

“ On levelling the surface of this hill, in 1785, for the purpose of forming a parade, there was discovered, under an artificial mount, a *Poquelaye*, or Druidical temple, composed of unhewn stones, and of a different construction from any other hitherto met with in the island; though there may be more of these ancient monuments concealed under similar eminences.

“ It is well known that the Romans waged an exterminating war against the Druids; as well from a consciousness of the influence over the people, possessed by those idolaters, as from the horrid barbarity of their religious rites. To secure, therefore, their hallowed fanes from destruction, the Druids, on the approach of imminent danger, adopted the mode of covering them with earth.

“ This monument comprised a collection of stones, arranged in a circular manner, the exterior periphery of which was seventy-two feet. This cir-

cle was formed by six small cromlechs, or cromleches, altars, or cells, from three to nearly five feet in height, and the same in length, separated from each other by upright stones, mostly in a kind of triangular form, and varying in height from four to seven feet, with the exception of one, the height of which was only eighteen inches: (*) this was opposite to the north, and is supposed to have been designed for a more common entrance than that in the eastern front.

“The principal opening fronted the east, and was through a covered passage, eight feet long and three feet wide. On the left of this was a smaller stone about fourteen inches high. In some of the cells ashes were found, and in one of them, which was nearly opposite to the entrance, were evident traces of smoke: this cell differed also from the others; instead of being covered with a flat stone, the superior surface of its upper one was extremely irregular, and apparently little calculated to hold a victim.

“If we conceive the whole structure to have been destined for adoration and sacrifice, it is probable that this cavity contained the sacred fire from which the altars were supplied. The *Poquelaye* was encircled with a dwarf wall, three feet in height, having four lateral steps on the outside, and three within. The external circumference of this wall was about 128 feet. (†).

“It is extremely difficult to ascertain the use to which this curious though rude structure was applied. It has been said, that every Bardic circle had, in the centre, a cromlech, whereas the area of this circle was completely void of any erection whatever. The cells appear on too contracted a scale to have served either as sacrificial altars, (particularly for human victims), or as places of sepulture. If designed as sacred repositories for human ashes, collected from funeral piles, urns or other vessels would probably have been found in some of them; and, moreover, had the cells been intended for kistvaens, the entrance of each recess would have been closed; whereas every one was open in front. In fine, they were precisely like cromlechs, on a diminished scale.

“The States in a moment of enthusiasm, unanimously voted this monument to Marshal Conway, then governor of *Jersey*, who caused it to be removed to *Park place*, near *Henley*, in *Berkshire*, and there had it erected, exactly, (at it is said), according to its original form, and conformably to its real dimensions, though several stones were broken in displacing them.

“This was an unfortunate event to the island, as so precious a relic of remote antiquity would, doubtless, have drawn thither a number of learned admirers; nor did the marshal himself escape severe censure, for having accepted so valuable a token of esteem, which, however retaining its pristine appearance, lost that consequence which it derived from original position. The loss is indeed now of less importance, as the fortress erecting on the hill would, in all probability, have occasioned its removal.”

(*Plees' History of Jersey*, p.p. 135—138.)

(*) The heights are such as the stones measured above ground: they were, doubtless, much longer.

(†) This description is from a model, the scale of which is half an inch to a foot: this model was carved before the removal of the monument.

Note 188, p. 177.

St. Samson was one of those holy men who fled from the persecutions of the Saxons in Britain, and who for their indefatigable exertions in the propagation of the blessings of Christianity, have been deservedly canonized. The name occurs as that of the patron saint of a parish in Guernsey, and of another in Cornwall.

Note 189, p. 180.

At the Pleas held in Jersey by the Justices Itinerant, John de Fresingfield, Drogo de Barentyn and John de Dutton, it was shown that the Bishop of Avranches, then held half of the tythes of the Isle of Sark. It is probable that the other moiety went to the support of the monastery. It appeared also at the same Pleas, that Sark had formerly been held under the Crown by a Norman Lord of the name of *Vernon*, but that it reverted to King John by forfeiture on account of the adherence of its owner to France, when Normandy was conquered and annexed to that country during that reign.—These notices are extracted from Documents said to have been extracted from Records, in the Court of Exchequer, where if it was worth while to enquire, they would be found to be still extant.

Note 190, p. 181.

This religious house of St. Magloire is thus mentioned in a work published a few years before the French Revolution. “Le Seminaire de Saint Magloire fut autrefois une abbaye de l’Ordre de Saint Benoit, dont la mense fut unie a l’archevêché de Paris. Il est sous la direction des Prêtres de l’Oratoire.” (*Encyclopédie Méthodique, Géographie, Tome II, Art. Paris.*—1784.)

Note 191, p. 182.

The Hermitage near Elizabeth Castle, is still probably the same as that in which this holy man resided. It is of the same rude masonry as that of other buildings of that remote period, a specimen of which remains in Jersey itself among the ruins of Grosnez Castle.

The inundation which, according to the Abbé Manet, formed the Bay of St. Michael, as we have observed before, happened in 704. The Hermitage would then have been situated by the sea side, in the Ninth Century, as it is at present, and afforded a proper situation for a complete seclusion from the world, at the same time that the anchorite would be particularly exposed to the attacks of barbarians from the sea.—(See also *Note 18, p. 182.*)

Note 192, p. 183.

The dates of the Consecration of those Churches have been extracted from the *Livre Noir*, an authentic document formerly kept in the Cathedral of Coutances. Though that Extract has often been printed, it is not amiss to re-insert it in this Work. We add the days of the Week, calculated from Mr. Garnett’s Perpetual Almanack, on which those Consecrations took place,

which had not been done before. It is remarkable that those ceremonies took place on any days of the week indifferently.

St. Brelade,	Saturday...	27th of May.....	1111
St. Martin,	Tuesday....	4th of January ..	1116
St. Clement,	Sunday....	29th of September..	1117
St. Ouen,	Thursday....	4th of September..	1130
St. Saviour,	Sunday	30th of May	1154
Trinity,	Tuesday....	3rd of September..	1163
St. Peter,	Sunday....	29th of January....	1167
St. Lawrence,	Monday....	4th of January....	1199
St. John,	Sunday.....	1st of August....	1204
St. Mary,	Friday.....	5th of October....	1320
Grouville, (St. Martin de.)...	Wednesday	25th of August....	1322
St. Helier,	Wednesday	15th of August....	1341

It is not to be supposed, that an Island, which had already been converted for ages to Christianity, should have remained till the Eleventh Century without some places of worship, for the performance of the religious exercises of the population. Where historical evidence is wanting, we can only reason from analogy and from facts.—It is remarkable that 9 of those Churches were built in less than 100 years, and that the four most ancient ones arose in the space of 19 years, namely from 1111 to 1130. The ninth Church was erected in 1204, and the 10th was not built till 116 years after in 1320, while the two last were founded in the subsequent 21 years.

It is probable that the spiritual wants of the inhabitants were supplied at the different chapels, then scattered over the surface of the Island, that the Churches were built, as it was gradually divided into Parishes, and that the several religious houses in Normandy acquired their patronage over them, as they assisted the poor inhabitants with the means of constructing those edifices. There are many reasons to make us conjecture that the Island was originally divided only into nine Parishes. 1^o The length of time which elapsed between the building of the ninth and the tenth Church.—2^o That St. Mary is still but an adjunct of St. Ouen, having but one *Prévôt* for the two parishes, that St. Martin and Grouville have the same Patron, the Elder Saint Martin, (*Vetus*), and Saint Martin de Grouville. The Church of St. Saviour is built at one of the extremities of the Parish, but in a tolerably central situation, as if it made but one Parish with that of St Helier. The large extent of those three was probably the cause of their subsequent division.

Note 193, p. 184.

It does not seem to be generally known that these *Hogues*, or rather *Hougues*, mean merely any elevated ground, and that the word itself is of German derivation, and comes from the same root as the English words, *high*, *height*, &c. The Latin *altus*, and the French *haut* or *haut*, are probably of the same origin. That derivation may also lead us to suppose that those barrows are not of a more ancient date than the invasion of the Norman Pagans in the Ninth Century.

Note 194, p. 184.

We refer the reader to Note 192, page 183, in which we have treated this subject at some length.

Note 195, p. 186.

The inconvenience of a foreign Bishop exercising his jurisdiction in the Channel Islands had been long felt. It is however evident that this Bull of Pope Alexander VI had not been carried into effect, as we shall have occasion to observe in another place. Some of the richest Foundations in Oxford, as Magdalen and Corpus Christi Colleges were founded by Bishops of Winchester, and hold out great advantages to natives of that diocese. About 35 years ago, the subject was brought before the Society of Magdalen College, when it was decided, that as the Islands did not make part of that diocese at the time of its foundation, the natives were not entitled to derive any benefit from it. A young gentleman from Guernsey of the name of Le Mesurier had then a fair prospect to have been elected a Demy of Magdalen, which was effectually prevented by this decision.

It is remarkable that John Neel, a Jerseyman, and one of the Founders of St. Mannelier's School had been Chaplain to William of Waynfleete, the Founder of Magdalen; and that Richard Fox, the Founder of Corpus Christi College, and who was in high favour with Henry VII, was Bishop of Winchester, when the Islands were transferred to his See by Alexander VI. It is not likely that the latter prelate especially, would have excluded our countrymen from his foundation, had he considered them as irrevocably dismembered from the Diocese of Coutances.

The Deed of Catherine De Vinchelez of 1504, which was after the death of Alexander VI, recognises Jersey to have been then in the latter Diocese. (See Note 198.)

The authority of the Bishop of Coutances was recognised by an Order of Council of Edward VI, of the 15th of April, 1550, as follows: "His Majesty's pleasure is, that the Bishopp of Quittance in Normandy shall bee permitted to use, and have the Ecclesiastical jurisdiction in the said Isle, as he and his predecessors have had, and used there hcretofore in all thinges, not being repugnant, or contrary to the Kinge's lawes, orders, and proceedings, ly-mitted and prescribed unto you in the booke before mentioned, or to such as his Majestie or Counsell, shall at any time hereafter prescribe unto you in that behalfe, which his Highness' pleasure is that you shall inviolably observe as the same doth purporte."

Note 196, p. 190.

It is remarkable that the Incumbent of St. Saviour is the only one called a *Vicar*, in the English sense of that word. The glebe and the yearly payment of Twenty livres are nearly correct even at this time. It would seem that this vicar was a kind of farmer of the Arch Deacon of Vauvert, and enjoyed his revenues in that parish on the payment of the above pension. Those *Vicars* are thus described in the *Recueil de Jurisprudence Cano-*

nique, Paris, 1755. Art. Curés, p. 167. "Les Curés qui sont réunis à des Chapitres, ou autres Communautés Ecclésiastiques, et celles où il y a des Curés primitifs, seront desservies par des Curés ou Vicaires perpétuels, qui seront pourvus en titre, sans qu'on y puisse mettre à l'avenir des prêtres amovibles, sous quelque prétexte que ce puisse être."

A little lower down, the text says that the Rector of Grouville has the ninth sheaf, which is more than would have remained after the religious houses had had their shares.

The word was probably *undecimam*, which being contracted in the Livre Noir, was supposed by some ignorant transcriber to mean *nonam*. This is evident on a decimal calculation. At the ninth part the whole would be 1,027 or something more than unity, and at the twelfth part it would be neither more nor less than 999, which would be nearly right.

Note 197, p. 192.

Our religious readers will be glad to see Mr. Falle's authorities, to prove that the Reformation originally established in this Island, was that of the Church of England, under Edward VI, and consequently that the Presbyterian Discipline was not introduced till a subsequent period. We quote a Letter, or Order of Council of April 15, 1550. "Wee have beene informed at good length, of your conformity, as well in all other things, wherein the said Sir Hugh hath had conference with you, touching his Commission, as alsoe in your earnest following and imbracing his Majestie's lawes and proceedings, in the Order of Divine Service and Ministration of the Sacraments; for the which we give to you on the behalfe of his Majestie, heartilie thanks, praying you, as you have well begun and proceeded, to continue in the same. And with all due reverence, devotion, quiet, obedience, and unitie amonge you, to observe and use the service, and other orders appertaininge to the same, and to the ministration of the Sacraments, set forth in the Booke sent to you presentlye."

The next document is an Act of the Court of the 21st of August, 1548, for the encouragement and support of two Protestant Ministers. "Pour le nourrissement et entretenement de Maistre Martin Langloys et Maistre Thomas Johanne, tous les Juretz et Curetz de ceste Isle ont délibéré, et volontairement donnent aux susdits Maistre Martin et Maistre Thomas, chascun ung quartier de froment pour une foys payer, estre delivrés aux susnommés à la prochaine feste St.-Michel venant, pour entretenir les susnommés, ung au prochain, venant pour annoncer au peuple la parole de Dieu purement et sincèrement selon le texte de l'Evangile. Et Monsieur le Bailly pour les payer donne deulx quartiers de froment pour une fois payer audit terme, et non aultrement." The Bailly at that time was Helier De Carteret, whose name so often occurs in the Jersey Chronicles. The above Martin Langloys was also naturalized the same day.

Another proof is drawn from an Act of the Court of March 20, 1552, 3, by which a man was sent to prison because his wife had taken a set of beads to Church, a severity, which would not have been exercised, if the Re-

formation had not been already established. "Après le Record du Connestable de la paroisse de St.-Pierre, lequel a recordery avoier adjourné Pierre Fallu de comparoestre à ce present jour et Marte sa femme en justice, pourtant que Dimanche dernyer passé, sadite femme avoit apporté une paire de paternosters à l'eglise, lequel Connestable fist charge et commandement à lavant dite femme de luy bailler, lesquelles paternosters, ce quelle ne voullut pas faire. Après lesquelles choses par loppinion des justiciers presens, ledit Pierre est regardé aller au Chasteau corporellement."

These two Acts, as well as that quoted in the next Note, have been lately extracted from the Records of the Island, and were probably unknown to Mr. Falle. (*Consult also the Jersey Chronicles, Chapter XXVI.*)

It is not however to be supposed that the Reformation was unanimously introduced, and without any opposition from the inhabitants. An Act of the Royal Court of the 4th of May, 1548, shows how the Rector of Grouville was nearly ejected from his benefice, in all probability for his reluctance to adopt the opinions of the Reformation. We insert that Act:—

"John de Soulemont et John Payn, fils Charles, sont devenus et demeures pleiges pour Sire Jaecs chevalier, Mynystre, en la paroisse de Grouville, que ledt. Sire Jaecs soy cõportera en son benefice accordant la charge de son office, qu'il cõpestra en Justice toutes fois et quantes qu'il en sera requis ou cõmande, pour respondre toutes fois qu'il seroit trouve defectif selon sa charge." (*Tiré d'un vieux Rolle qui se trouve dans S. No. 43, 1639, 21 Janvier.*)

Sire Guilleanne Le Ray, the Rector of St. Saviour, was not so fortunate, and lost his benefice for his Catholicism, till he was restored under Queen Mary in 1554. The following is his memorandum of that transaction in the St. Saviour's Parish Register.

"Depuis l'an quarante huit, je nay point arresté les noms de ceux qui sont trespassez, pour ce que je fus mins hors de mon bénéfice l'espace de cinq ans, pour le tumulte qui se fit en l'Eglise; puis en l'an 1554, je fus restably en mon bénéfice. Alors j'ai recommencé à escrire."

Mabon, the Catholic Dean, died about that time, and Pawlet a Catholic Dean was presented to the living of St. Martin in 1554, and the presentation of one Gouray by Queen Mary was cancelled by an Order of Council. Was it in reality because Gouray was a protestant?—The History of Jersey for that period is involved in a great deal of obscurity; but after producing the above authorities, I have no hesitation to fix 1548, or the 2nd of Edward VI, as the year that the Reformation and the Liturgy were first legally established in Jersey. It is however a palpable absurdity, that two years afterwards, 15th of April, 1550, the protestant administration of Edward VI, confirmed the jurisdiction of the Bishop of Coutances, and thus enabled a prelate, who was an alien and a Catholic, to exercise his ecclesiastical power over a protestant population of British subjects.

Note 198, p. 192.

The Jersey Chronieler, Chapter XXVII, coincides in Mr. Falle's assertion. On inspecting the Records, I have been unable to find any direct restoration of the Catholic worship under Queen Mary, though the fact itself

is certain. If there were ever any Official Documents of the kind, they have probably perished with the Records of the Catholic Spiritual Court of the Island. I quote an Act however (*Extraordinaire, No. 3, 24 Juillet, 1557*) which proves that mass had been restored here during that reign.

“Vincenne Valon appréhendé par les Officiers du-Roi pour cause de larcin, a confessé avoir desrobé à Collas Le Petevin, alias Le Roux, quatre gerbes de blé, a raison de quoy, (en ayant promyns de non jamais y retourner sur peine d'estre pugny corporellement ; Et pour exemple des aultres,) il est commandé au Connestable de la Paroisse de Saint Brelade de mettre dimanche prochain venant ladite Vincenne au chef une heure, à l'yssue de la Messe parochiale en Saint Brelade.”

The account of Richard Averty is in the XXVIII, not the XXIX Chapter of the Jersey Chronicles. It is said there that he resided in St. Brelade's parish, and that he was the Official of the Dean's Court. I presume that he was not the Rector, as one Nicholas Alexander is mentioned as such in 1554, (*See Extraordinaire, No. 3, September 13.*) The late Thomas Anley, Esq., a Jurat of the Royal Court had a copy of the Act of Averty's condemnation ; but I could not find it on an inspection of the Records. The name of this Averty often occurs in the Records either as a suitor or a witness. (*See Extraordinaire, No. 2, 13 Mars, 1545.*) It is not generally known that the word *Sire* was then prefixed to the names of Catholic Priests, like *Reverend* is now to that of Protestants. I have been unable to discover why the word was thus applied, or what meaning it was intended to convey. Many of those *Sires* or *Pères* acted as Notaries, and it is a remarkable circumstance that the Deed of Gift of Catherine de Vinchelez to Richard De Carteret, in 1504, was executed by the Rectors of St. Brelade and St. Mary, Richard Le Hagues and Nicholas Despelits, who were both notaries, the former of whom was also the Dean's Vicarperesit, or Sub Dean.

Note 199, p. 193.

This document of the claims of the Bishop of Coutances is still extant, a copy of which is in my possession. It was extracted from an ancient manuscript supposed to be the same as that which our historian mentions at page 128 of his first Edition, as having belonged to Sir Philip De Carteret, Bart., of St.-Ouen, who died in 1692. These claims are said to have been submitted to the Royal Court on the 25th of August 1565, by the Bishop's Agents; but on examining the Records some years ago, I could find no mention of the circumstance. It is probable that these demands were summarily rejected, and that as it happens in those cases, no entry was made of that unsuccessful application. The claims of the Bishop of Coutances were finally set aside by an Order of Council of the 16th of March 1568, which annexed the Channel Islands to the Diocese of Winchester.

We add Mr. Falle's account of the Bishop of Winchester's power in these Islands, as it stands in his first Edition, page 183, but it does not appear in the second. The First Edition had given a clearer, a more correct and a more constitutional view of the matter ; for if one examines the Canons carefully,

unwarped by the fear of disoblising, or by the hopes of personal favour, it would be evident that the Bishop of Winchester has very little ecclesiastical power in Jersey, and that he is little more than a Judge in Appeal.

“The Bishops of Dol and Coutances, for the exercise of their authority, had in each island of Jersey and Guernezey, a Commissary or Surrogate, called *Decanus*, the *Dean* : an Office of great antiquity, since I find it mentioned in very old Records, and have reason to believe it as ancient as episcopacy, and consequently as ancient as Christianity itself, in these Islands. To him those Bishops left the cognizance of all matters of ecclesiastical jurisdiction, reserving only to themselves Ordinations, Institutions, and Appeals. The same power is vested in the present *Deans*, with this limitation, that they are to govern themselves by the advice and opinions of the rest of the ministers, who are to be their constant assessors, much after the manner of those ancient Presbyteries or Councils of priests, who rate with the Bishops in their Consistories, and assisted them in giving judgment in all causes brought before them ; an excellent government, and grounded on the primitive pattern.

“When the office of *Dean* was revived in Jersey in the reign of King James I, a motion was made to give the said Dean the Power of a Bishop Suffragan within the Island ; appeals being still reserved to the Right Reverend Father in God, the Lord Bishop of Winchester. I could never know why that motion was rejected. But we daily see the necessity of such a power, particularly in the want of Confirmation of Children after baptism ; that Apostolical institution being thereby become altogether impracticable amongst us. Nor have we any way to supply that defect but by taking great care, (as we generally do,) to have Children brought to public Catechism, where in the presence of God’s Church, they renew their baptismal vow, and taking upon themselves the obligations of Christianity, discharge their Sponsors of the promise made for them at their baptism. Upon which, and not before, we admit them to the Holy Communion.”

Note 200, p. 196.

John Pawlet, a brother of Sir Hugh Pawlet, was the last Catholic Dean, & died in 1565 ; so that from his death to the establishment of Mr. Bandinel into that office, there had elapsed a space of almost sixty years. Dr. Shebbear has adopted the same opinion, that it was from a motive of economy, that the Governours encouraged the suppression of the Deaneries. There are however no good reasons, nor any documents remaining to warrant such a supposition. The name *Pawlet* is generally spelt *Poulet* in our Records, but that seems to have been an error of the clerks.

Note 201, p. 198.

The Ecclesiastical Discipline is printed in Dr. Heylin’s Survey. It is remarkable that this Ecclesiastical Discipline was reprinted in 1642, more than 20 years after the establishment of the Canons, and when one would have imagined that Discipline to have been nearly forgotten. The fact is that Guernsey was not brought in within the pale of conformity, till the Restora-

tion in 1660, which may perhaps account for the Parliamentary bias of that Island during the civil wars. In Jersey likewise the Calvinistic party continued to be very strong, partly from the retention of their religious principles, and partly through the hostility occasioned by the unconciliating character of Dean Bandinel. In 1643, when Sir George De Carteret recovered the Island from the Parliamentarians, the first thing he did, to conciliate the inhabitants was to proclaim the restoration of public worship, as it was in the reign of Queen Elizabeth. This was done at the very time that Charles I was engaged in a civil war, mostly to maintain episcopacy. Yet Sir George De Carteret had the confidence to tell the good Jersey people in that Proclamation: "Sa Majesté a voulu que je donne à cognoistre à ses subjects de ceste Isle, que ses intentions ne sont point autres que pour le maintien de la vraye Religion Protestaute, telle que du temps de la feuë Royne Elizabeth, sans invasion ou altération quelconque, de laquelle Sa Majesté encore d'empuis pen, a fait solempnelle protestation en recevant les Sacrements, de la maintenir, vivre, et mourir en ycelle." (*Chevalier*, § 4. and Note 46.) These are the acts by which politicians can mould religion to their own purposes, when the truth is that they are not restrained by any religious principles at all! For One Hundred Years therefore, (from 1568 to 1660) the Jurisdiction of the Bishop of Winchester over the Channel Islands was merely nominal.—From the earliest time of the Reformation till 1660 there was a rivalry between the two kinds of Ecclesiastical polity.—Church of England, under Edward VI. Catholic under Mary. Calvinistic under Elizabeth and the greatest part of James I. Church of England under Charles I, and Calvinistic again under Cromwell's usurpation. From the Restoration in 1660, and for nearly the 150 subsequent years, the Island had strictly conformed to the Church of England; but at the present time, in 1837, it contains a mixture of episcopalians and dissenters.

Note 202, p. 199.

This Confirmation was received with much exultation by the Calvinistic party in the States, as appears from the act of that day. (September 5, 1603.) As Mr. Falle does not seem to have been acquainted with that Document, and as it is but short, it will be an acceptable addition to the Order or Grant of James I.

"Pour faire entendre à tout le peuple la bonne volonté de Notre Souverain Sire le Roy d'Angleterre, en l'exercice et administration de la Religion Reformée et Discipline d'icelle en ceste Isle de Jersey: Il a esté trouvé expédient par Monsieur le Gouverneur et les Estatz, que l'Octroy et commandement de Sa Majesté à ce regard là, soit publiée par le Vicomte Samedi prochain, afin que chacun y rende obéissance. Les Ministres pareillement prendront copie, qui sera enrégistrée dedans les Raolles, et la publieront chacun en sa parrosse."

The intimate connection of the church of this Island with that of Geneva is too well known to need any further explanation, but there is a circumstance highly honourable to our ancestors, which seems to have been unknown to Mr. Falle and other historians, and which probably is now extracted for

the first time from the Book of the States. After the attempted escalade of Geneva by the Duke of Savoy in 1602, the citizens of that Protestant City applied to their Christian Brethren for pecuniary assistance. Among the rest, our ancestors, scanty and limited as were then their resources, came forward with their voluntary contributions in this truly charitable and patriotic work, as appears from the following Act of the States of the 3rd of December, 1603.

“ Sur la reception des Lettres Recommendatoires de Messieurs les Habitans de la Ville de Genève, adressées aux Eglises de Jersey, remontrons, comme par les attentats et perfidie du Duc de Savoye, continuant journellement ses surprinses militaires contre ladite Ville, leurs a occasionnés à grandes fatigues et coustaiges en leur deffensive, presqu'insupportables au regard de la puissance d'ung ennemy si perfide, s'il ne leur estoit subvenu de secours par les moyens des gents de bien, faisans profession, de mesme qu'ils font, de la Religion Reformée ; Dont leur Agent seroit auprès de la Majesté de nostre Roy, pour obtenir quelque remède en cette nécessité si apparente ; Et prouvé que cela seroit du tout desrogier à la charité et commisération tant recommandée par la Parolle de Dieu envers les nécessiteux membres de l'Eglise Catholique, joint que de ceste Ville, sont sortis les commencemens de la piété reformée : Il a esté trouvé expédient par l'advis et autorité de Monseigneur le Gouverneur, Bailly, Justice, et Estatz de l'Ysle, que Messieurs les Ministres, chacun en sa Parroesse, remonstrant cette nécessité au peuple, et les occasions d'icelle, avec les dangers qui en resussissent, s'il n'y estoit remédié ; Les exhortans au nom de Dieu d'y contribuer suivant leurs consciences. Que s'il s'en trouve quelque contumace et oppiniastre, il sera reformé comme son inhumanité le mérite.”

Note 203, p. 201.

The person here alluded to, was Elias Messervy, whom Sir John Peyton had presented to the living of St. Peter. The greatest part of the reign of James I was spent here in disputes between the Calvinists and the Church of England party for the mastery. The Calvinists were undoubtedly the strongest, and it required nothing less than an unequivocal declaration of the Royal Will to make the latter prevail. The Calvinists had held out to the last, as it appears from a long and very interesting letter still remaining of Sir Philip De Carteret, the elder, who had been deputed by the States to England, in which he relates the particular condescension of his Sovereign, and uses these remarkable expressions :—“ Sa Majesté, laquelle je conuais désirer le bien de vostre Estat autant comme d'aucune aultre place de ses dominions, et *estre aussy prest de vous protéger et deffendre, cas advenant, comme il ferait* (afin que j'eusse ses mesmes paroles,) *sa ville de Londres.*”

The States on receiving this letter waved all further opposition to the religious establishment recommended by the monarch. The Act of that Assembly which is too long for insertion, is of the 27th of March 1619.—The writer of this Note is in possession of a large number of Documents of the

description of those which our historian mentions at page 202, and are perhaps copies of the identical ones from which he derived his information.

Note 204, p. 202.

There are still a few particular observances, (which may be considered as some remains of that ancient Presbyterian Discipline, such as there being no fonts used; having the Communion table in front of the pulpit, and that the Clerks read the Lessons, and sing two verses from the Psalms at funerals. None of these ceremonies are however retained from any religious scruples, or from a spirit of non-conformity to the Church of England. Within these few years the Ministers of several of the parishes have adopted the use of the surplice. *The sign of the cross in baptism, and the administering of the Lord's Supper to the people kneeling,* are now in general use.

It is another peculiarity that before the Canons were enacted, and during the time they were suspended by the civil wars, Fast and Thanksgiving Days were appointed by the Royal Court. The Dean and Clergy are empowered to do this by the Sixth Canon, with the consent of the Governor and the Civil Magistrate; but this is now seldom practised, and those days are generally observed here only when ordered by the King's Proclamation. There was however an exception to this when the States appointed a Fast Day in 1832, during the prevalence of the Cholera in the Island.

Note 205, p. 205.

We believe this to be correct, and indeed it does not appear that there were dissenters of any kind in Jersey, from the Restoration in 1660 till the days of John Wesley, whose followers experienced great difficulties at their first establishment in the Island. Every idea of religious molestation has however long ceased, and the 22d Canon against Schismaticks has become entirely obsolete.

Note 206, p. 205.

This high wrought character of Dean Bandinel ought not to be taken too literally. He was an able but unfortunate man, who lived in troublesome times, and who eventually fell a victim to that persecuting spirit of which he had himself given a striking example.—But for a full account of his political dissensions with the De Carteret family, and of his own melancholy end, we refer the reader to Note 46.

Note 207, p. 206.

The Constitution of the Dean's Court, is still the same as formerly; but very little business is transacted in it. It is seldom held oftener than once a fortnight, and little else is done at the sittings besides swearing in of Church wardens and their assistants.

Mr. David Bandinel, the first Protestant Dean, was sworn into office on the 15th of April 1620, and held his Court for the first time on Monday the 8th of May following. He was a man of a haughty and vindictive spirit, and if I am not mistaken, he afterwards excommunicated John Herault, who was his cotemporary, and Bailly of the Island.

Note 208, p. 207.

At present the great tythes are portioned out as follows :

Three Fourths belong to the King.

The Rectors have One Eighth.

And the Dean and the Impropriator of St. Helier One Eighth.

These portions cannot be entirely accurate, as some parishes are larger, or more productive than others. The Impropriation of St. Helier has been sold out individually to most of the land owners, so that this Parish is now in a great measure tythe free.

The following are the decimal parts of the portions of the Rectors, as differently expressed in the *Livre Noir*.

St. Brelade,.....	166
St. Mary,.....	333
St. Clement,.....	4
St. Martin,.....	333
Grouville,.....	083
St. Helier,.....	1

1,415.

Thus these impropriations had left but very slender allowances, to six of the rectories, or rather vicarages. The other six parishes had nothing but their Novals, or Deserts, which were never very considerable, but which have become still more trifling since the planting of orchards, and the raising of other produce has occasioned a decrease of tillage.

From immemorial custom, only particular articles are tithable. Other tithes, such as wool, flax, and fish, though legally due, have long fallen into disuse. The tythe of other articles like hay, parsnips, coppices, milk, honey, fowls, &c, are not known to have ever been collected. Potatoes are a new production, (*Dixme insolite*) and therefore it is uncertain, whether the tythe of them could be exacted. The principle of the English law is that every thing which takes its rise and increase from the earth is tithable. This maxim is derived from the Canon Law "Sivant le Droit Canonique, tous fruits sont sujets à la Dixme, les grains, le vin, les fruits, le poisson, les animaux, le profit du négoce, &c." (*Jurisprudence Canonique. Art. Dixme, p. 217.*)

Before the French Revolution it was custom which regulated the particular produce that was tithable. From our ancient connection with the Diocese of Coutances, we approach nearer to the Canon Law as modified in that Country, than as it is in England in Burn's Ecclesiastical Law. The custom of paying here but particular tythes was borrowed from France, and if we follow that analogy, we fear that the number of tithable articles, could not be extended. The Recueil de Jurisprudence Canonique contains a most valuable Treatise for any one who is interested in the question of tythes. We make a few short quotations, *Article Dixme, p. 218.*—" Cette décision de Dumoulin fournit de réponse à la question de quels fruits on paye la Dixme, et fait voir, que c'est selon l'usage ; c'est le seul principe qu'on puisse donner en ce point ; in Gallia non debentur, nisi consuetæ. C'est-à-dire,

qu'on ne doit point de Dixmes en France que celles qui sont d'usage."—"Les Dixmes se leveront suivant la coutume des lieux, et la quote accoutumée en iceux."—"Cet usage n'est pas l'usage général et uniforme à cet égard; ce n'est pas même l'usage de chaque province, chacune en renferme souvent plusieurs de tous contraires; c'est l'usage local de chaque Paroisse, de chaque territoire, de chaque canton; quelques fois aussi il y a différents usages dans une même Paroisse.—L'usage fait également la loi, tant pour les espèces de fruits qui payent la Dixme, que pour les Dixmes, qui passent pour grosses ou menues Dixmes, pour les Décimateurs auxquels appartient la Dixme de telle ou telle espèce de fruits; la manière de payer la Dixme, comme aux Champs, à la grange, à la gerbe, ou au boisseau, en nature de raisin, ou en vin, et pour la qualité même de la Dixme." (*Art. Dixme, Idem, p. 218.*)

In one word, Tithes are due in England on all sorts of produce. In France, tithes were not due at all, except on particular articles, and on which the right had been established by immemorial custom. As observed before, our ancient customs in these matters have been derived from our former connection with the Diocese of Coutances.

With respect to potatoes, they are tithable in England; but to attempt it in Jersey, would not only be a very unpopular measure, but the legality of the claim, as well as its eventual success would be extremely doubtful. On reference to the above quoted work, (*Art. Dixme, § X. Quest. XI. p. 22.*) the author speaks with some hesitation on the matter, but on the whole he seems to insinuate, that the tithe of unusual, or new produce cannot be exacted.

In England every thing is tithable;—in France, the lands were tithe free, except for such particular articles, whose liability to be tithed was derived from immemorial custom.

If the result should ever be, after having tried the question, that potatoes are tithe free, the same exemption would apply to Indian corn, or to any other new produce, which might be introduced into the agriculture of the country. Where the tythe is already due on any article, the right cannot be affected by that produce having become more valuable. Pears are tythable in Jersey. Within the memory of man, Chaumontel Pears, cultivated in gardens began to bear a high price in the market; for the training of the trees requires much care and expence. Hitherto that fruit has not been tithed, though some years ago, it was in contemplation to do it. The measure was unpopular, and the Clergy preferred forbearance to the exercise of an undoubted right. It must be owned however, that the living of St. Helier would be the only one in the Island, which would be materially benefited by the tythe of Chaumontel Pears.

The principle of the Canou Law, that every kind of produce is tithable, is certainly the most equitable. The question is not whether the tenth part is too large, or too small a portion for the Clergy, but that under every fluctuation in the sorts and quantity of produce, some reasonable provision should still remain for them. The inconvenience of the want of such a

rule, is severely felt in Jersey, where only particular sorts of produce are liable to pay. Thus the estate of a rich and influential man may produce nothing but corn, who while he owes tithes but to the Improrietor, contributes nothing to the minister. In bad years the apple crop totally fails, which leaves the clergyman with scarcely any subsistence, while the farmer indemnifies himself by abundant crops of almost every thing else. The novals, when they can be ascertained, pay their corn tythes to the Clergy, but they are now mostly withdrawn from tillage, and left to grass, or planted with potatoes, for both of which no tythes are liable to be paid. This is another evil of the system of particular tythes!

A general composition would be extremely desirable, but it would be difficult to supply a plan for one, and still more so to carry it into effect. A commutation of tythes would be still better, but I may venture to say, that it would be totally impracticable, till the minds of men had been prepared for such a measure by the previous adoption of the same in the mother country.

It is not commonly known that the Royal Commissioners Couway and Bird, addressed a Report to the Archbishop of Canterbury and to the Bishop of Winchester, about the state of Ecclesiastical matters in Jersey. The Report itself though interesting is too long for insertion. What they say about tithes will however be useful as an illustration of our subject. "Concerning tithes, it is allowed, that the decision of all questions concerning them, hath ever belonged to the Civill Court. But for reformation of some abuse crept in about the payment of tythes, wee humbly propound, that whereas by the lenitie, negligence, or connivance of some former ministers, divers kinds of tithes in specialitle have been forborne to bee paid in divers parishes, they may bee from henceforth paid in every parish, as they have been, or are yet paid in any parish; that is to say, whereas tithes of some things are paid in one parish, and not in another, that in such case, the parish that paid most, shall bee a rule to all the rest of the parishes for the payment of tithes."

In consequence of this Report the Clergy inserted a Section about tithes in Thirteen Articles in the Canons, which they submitted to James I for his Royal Confirmation. These were highly in their favour, but as no vestige of them appears in the present Canons, it is probable that they were opposed by the Jurats, whom the Royal Court had deputed to England, to object to some parts of those Canons, and that this was one of the parts, which were rejected in consequence of their representations.

Note 209, p. 208.

These Novals may be better defined to be *Fields here and there intermixed with all the other lands in a parish.* The case then is, that when any of those fields cannot, from some cause or other, be any longer identified, they are merged in the mass of the other lands, and lost to the incumbent. The most equitable arrangement would be to exchange them, and give an adequate quantity of tithable land lying together, to be the Clergyman's portion.

Note 210, p. 208.

Those fees exist now for marriages and funerals; baptisms are performed gratuitously. It is usual for the Minister to conduct the funeral from the last residence of the deceased to the Church, which in St. Helier, where there is a large population, adds considerably to the labour of the cure. In the country parishes the Clergyman has not unfrequently two or three miles to go to the house, which occasions a considerable loss of time.

Note 211, p. 208.

This is the case to this day. In collecting this kind of tythe, the Clergy have to struggle with every kind of difficulty,—the irregularity, and sometimes the bad faith of some of the tythe payers,—the being paid in kind with bad fruit, with no other remedy than a law suit,—and in plentiful years,—a glut of the commodity, which renders it almost unsaleable,—and after all, the absolute necessity of giving long credits, so that a Rector, if at all forbearing, is some years before he can close up a tythe account of his apples. We refer the reader to Notes 83, 84, and 85.

Note 212, p. 208.

The 20th Canon does not expressly say, that the Dean is to be a native, as is the case with the parochial clergy. Bandinel, the first Dean, was indeed an Italian, but it has always been expected that that high and influential office should be conferred on a Jerseyman. The circumstance to which Mr. Falle alludes happened in 1729, on the death of the then Dean Mr. Le Breton, who was also Rector of St. Mary. The following tradition about it has been preserved. Duret, a French Refugee, was Rector of Trinity Parish, and patronised by Lord Cobham, the Governor. That nobleman exerted his interest for him, and would have obtained him that preferment had not the insular clergy caught the alarm, and induced the States to petition Government, that a native might be appointed. Their application was successful, and it was decided that the Dean should be a Jerseyman. Mr. Le Hardy, the King's Procurator in Jersey, happened to be then in London. Lord Cobham sent for him, and after having expressed his ill humour at the opposition of the insular clergy, asked him if he could recommend any qualified person. Mr. Le Hardy seized the opportunity to mention Mr. Payn, who was then Rector of St. Lawrence, a friend and a relation. Lord Cobham immediately said with much emotion: *Then he shall have it.* This appointment accordingly took place. Mr. Payn was a young man of not more than 25 years of age, and it had been his good fortune to have then been dangerously ill of a fever at Oxford, a circumstance which necessarily prevented him from taking any part in the exertions of his brethren. It is thus that those, who are the most strenuous, and even the most successful in resisting oppression, are precisely those who are the most seldom rewarded. Mr. Seale, who had been particularly active in opposing Lord Cobham, was suffered to remain for almost 20 years longer, Rector of St. Clement's, the smallest living in the Island, from which he ultimately retired by resigning it. As to Mr. Payn he held his office till his death in 1775.

Thus for tradition, which is fully corroborated by several Acts of the States. The first of these begins with dismissing Duret from a Committee of the States, without assigning a reason. No. 2. A Committee was appointed to prepare a Petition to the King, with the view of preventing any other but a native from being appointed to the Deanery of the Island. No. 3. Is an Act to approve of that Petition. No. 4. The Reverend Mr. Seale, who had been sent to England to support that Petition was successful, and on his return, he received the thanks of the States for his exertions.

It is remarkable that no Order of Council was then issued; but the appointment of a native in consequence of that Petition, was a tacit acknowledgment, that Government intended that this preferment should be conferred upon natives. Mr. Payne's Patent is registered, and is dated the 5th of May, 1729.

No. 5. Is another Act of the States to pay Mr. Seale the expences which he had incurred during his stay in England to support that petition, amounting to £53. 8s. 0d.

As those documents are very curious and not very long, but difficult to be procured from the Book of the States, we lay them before our readers.—A few years ago that Petition and other Papers on the subject were supposed to be still extant, but as they were not registered in the Book of the States, I have not had an opportunity to see them.

No. 1. *Estats, 6 Février, 1728,9.* “ Le même Comité appointé par Acte du 15e. jour de Juin dernier, pour faire accord pour un bateau de garde, est réquis et autorisé de faire tel nouvel accord qu'il sera nécessaire pour la continuation d'un bateau de santé jusques à autre ordre; le Recteur de la paroisse de Saint Sauveur demeurant aujourd'hui requis et autorisé d'y agir à la place du Recteur de la Paroisse de la Trinité, absent de l'Isle.

No. 2. *Estats, 13 Mars, 1728,9.* “ Raulin Robin, écr., Jean Pipon, écr., et Philippe Patriarche, écr., du Corps de la Justice, Messieurs les Recteurs des Paroisses de Saint Hélier, de Grouville, et de Saint Clément, et les Connetables des Paroisses de Saint Martin, de Saint Onen, et de Saint Brelade, (deux de chaque Corps pouvant agir,) sont réquis et autorisés de s'assembler en Comité, pour dresser une Très Humble Requête à Sa Majesté, et des Lettres et Requêtes à ceux qu'ils jugeront nécessaires en outre, pour être signés par les Estats, afin de prevenir et empêcher, s'il est possible, qu'aucun autre qu'un natif de cette Isle de Jersey parviene à la charge et dignité de Doyen de cette dite Isle de Jersey, à present vacante.”

No. 3. *Estats, 28 Mars, 1729.* “ Messieurs les membres du Comité appointé par Acte du 13e. jour de ce present mois, ayant aujourd'hui produit des Requêtes et des Lettres par eux dressées et écrites aux fins de prevenir et empêcher, s'il est possible, qu'un étranger soit revêtu de la charge et dignité de Doyen de cette Isle, et pour tacher d'obtenir que ce soit un natif de cette dite Isle, qui y parviene; Lesdites Requêtes et Lettres ont été ce jourdhuy approuvées et signées par la pluralité des membres des Etats.”

No. 4. *Estats, 12 Juillet, 1729.* “ Le Révérend Monsieur Thomas Seale ayant aujourd'hui fait un recit aux Estats de ce qui s'est passé en Angle-

terre, et des démarches qu'il a fait pour soutenir les Droits et Privilèges des natifs de cette Isle au Doyenné à l'exclusion d'un étranger qui y prétendait : Lesdits Estats ont remercié ledit Sieur Seale pour les soins et les peines qu'il a prises à ce sujet. Et ont ordonné qu'il sera remboursé de ses fraix.

No. 5. " En conformité d'un Acte des Etats de l'An 1729, le 12e. jour du mois de Juillet, par lequel il est ordonné, que le Révérend Monsieur Thomas Seale sera remboursé des fraix qu'il a encourus en Angleterre pour soutenir les Droits et Privilèges d'un natif de cette Isle au Doyenné, le compte dudit Sieur Seale, se montant à la somme de Cinquante Trois Livres Sterling, Huit Chelins, ayant ce jourd'hui été produit et lû dans les Etats, il a été approuvé, et partant il est ordonné par la pluralité des opinions, que la dite somme lui sera payée par tous les Connétables de cette Isle, chacun suivant au rât de sa Paroisse."

Mr. Seale received no other reward ; but his public spirited conduct in resisting such a remarkable encroachment, deserves to be remembered, as that of a patriot who afforded a bright example for the imitation of his countrymen in succeeding times.

Note 213, p. 208.

This expence does not fall on the poor's rate or Parishes, as one might understand from the text. Those houses are kept in repair out of the Trésor or Church fund, so that the expence is not felt by the Parishioners. It also eases the Clergy from any responsibility about dilapidations. It is not known how long this has been the practice. In the claims of the Bishop of Coutances, p. 193, dilapidations are mentioned, a document which from its extreme length we have declined to insert in this work. The 24th Canon also mentions dilapidations.

The regulation for the repairs of the Churches and parsonage houses, is inserted in the Jersey Code of Laws, (*Article Trésors*, p. 319.)—The clergy are exempted from the poor's rate for their benefices, but not from contributing to the special defence of the Island. (*Code of Laws*, p. 269.) On account of those exemptions, the parsonage houses are much larger than one might expect on such small benefices. This exemption from repairs and dilapidations is also a remains of the French Ecclesiastical Law. We quote the *Recueil de Jurisprudence Canonique*, (*Art. Curés*, p. 170.) " Les Habitans sont tenus de fournir au Curé un logement convenable.—Ce logement ne comprend point les granges, écuries, étables, ni autres lieux de bestiaux (*) —mais quand le Curé est gros décimateur, et que les dixmes qu'il perçoit se montent bien au-delà de la portion congrue, il doit contribuer aux grosses reparations du Presbytère, jusqu'à concurrence du tiers de ce qui lui reste.

" En attendant que le Curé soit logé, on oblige les habitans de fournir

(*) It was formerly disputed whether the outhouses and offices of parsonages in this Island ought to be kept up at the expence of the Rector. After some tedious litigation between the Rector of St. Clement and his Parishioners, the question was finally determined by an Order of Council about the end of the last Century, in favour of the Clergy.

tous les ans, une certaine somme au Curé pour son loyer, selon le tems, et les lieux.”

Note 214, p. 209.

Some years ago an application was made to the Governors of Queen Anne's bounty to extend it to this Island, but it was unsuccessful. The livings in Jersey are still very small, and though they seem to have risen nominally, yet owing to the decrease in the value of money, they still afford as inadequate a provision for their incumbents as in the days of our historian. It is however to be hoped that this state of things will not be suffered to last much longer, and that a mild and beneficent government will grant the clergy at some future period, some allowance of the great tythes of the Island. It is only within these few months that government has improved the benefices in Guernsey by payments to be made out of the tythes, which had fallen to its disposal by the demise of the late Governor.

Note 215, p. 210.

The Jersey Chronicle, at Chapter XXVI, gives an ample detail of the destruction of those *superstitious endowments*. The early records contain several Acts concerning the sale of the *obits*, or rents given to say masses on the anniversaries of the decease of the Founders. As to the tythes themselves I coincide in Dr. Heylin's opinion, that the Jersey tythes had already reverted to the Crown at the suppression of the Alien Priors under Henry VI. It appears from the Records, that during the latter part of the reigns of Henry VIII and Edward VI, that the tythes of the respective parishes were let out to different persons. (*See Acts of the Court of July 25, 1550, Dec. 6, 1550, and 16th of April 1551, and Note 226*)

Note 216, p. 211.

It is remarkable that the great tythes in the Channel Islands, are the only ones remaining in the hands of the Crown since the grant of Queen Anne's Bounty. And indeed their Clergy, both on account of their own loyalty and that of their people, have as strong claims to experience the Royal beneficence as those of any other part of the United Kingdom. At the same time, that pluralities, or large benefices, are neither necessary, nor even consonant with the true spirit of the Christian Religion, it is equally true that its ministers should be not only raised above indigence, but placed on a level with the more respectable part of their parishioners.

It may not be amiss to say a few words about Mr. Falle's second plan, *That each Incumbent should be granted a lease of the tythes of his parish under such Covenants, as to leave room for him to make some advantage of them in letting them out again to his parishioners.* It is singular that our historian after having expressed himself so explicitly on this subject, has not mentioned that the clergy had already petitioned the Crown to become lessees of the Great Tythes. Though resident in England at the time, he was still Rector of St. Saviour, and could not have been ignorant of the circumstance. The application was opposed by the Governor, and was in consequence refused

by the Privy Council, whose Order of February 23, 1703, was registered on the 14th of September following. (*Samedi, No. 78, fol. 138.*) The King's tythes, or rather the Governor's, have always been underlet, and therefore it was unfortunately the interest of the land holders, that they should not revert to the Clergy. The composition paid for them is still under their real value. The Functionaries of the Royal Court petitioned in 1796 for an advance of salaries, which was at first demurred to, as likely to have affected the Governor's income. The objection was however overruled on the suggestion, that the composition for those tythes might be raised fifteen pence a vergée, or rather more than 30 per cent. This did not openly affect the Governor, and the petitioners obtained an increase of salary.

Note 217, p. 213.

The livings in Jersey are still in the same unprovided state that they were at the time of the Reformation. Their not being in the hands of private patrons, was in one sense a bar to their improvement. But it may have sometimes been an inducement to lay proprietors to augment benefices, that they might ultimately become a provision for some of their relatives, or at least, that their benefaction would be compensated by the increased value of the advowson. Those causes could not operate in a country, where the Governor who was a grantee of those tythes from the Crown, had an interest directly opposed to that of the Clergy, and whose income would have been affected by the Royal munificence.

What Mr. Falle says of the *Portion Congruë* before the French Revolution is strictly correct. There is a very long Article on that subject in the *Recueil de Jurisprudence Canonique, Paris, 1755.*—We shall just make a few short quotations.

“La quantité de la *Portion Congruë* a d'abord été indéfinie; elle a accru insensiblement à une somme qui est présentement fixe, et qu'on peut dire beaucoup plus raisonnable, qu'elle ne l'étoit dans les commencemens; mais elle est encore bien modique pour les Curés, qui doivent à leurs Paroissiens qui sont dans l'indigence, les secours temporels avec les spirituels.”—“La Déclaration (*de Louis XIV*) du 29 Janvier 1686, concernant les portions congrues contient neuf dispositions.

“La première fixe la portion congrue pour les Curés ou Vicaires perpétuels à 300 *Livres*.

“La seconde donne aux Curés, outre la portion congrue, les offrandes honoraires, droits casuels, et les dixmes noales.” (*page 67.*)

“La portion congrue est due à tous les Curés indistinctement; mais elle ne peut être demandée que par ceux dont les revenus fixes et certains vont au dessous de la somme de 300 *Livres, &c.*” (*page 68.*)

Note 218, p. 213.

It is a fact, that within these few years the Clergy have petitioned his Majesty to take the scanty revenues of their benefices into his Royal consideration, and grant them a suitable augmentation.

Note 219, p. 216.

The inhabitants, particularly those who were friendly to a conformity with the Church of England, had long been desirous to be entitled to some of the Foundations in the Universities. The islanders had no encouragement to send their children there; the distance, the expence, and the slender chances of obtaining English preferment, equally deterred them. Naturally our youth would resort to Saumur and other continental protestant Universities, from which they would return with prejudices unfriendly to the Church of England Polity. During the residence of the Royal Commissioners Conway and Bird in 1618, the States presented a Memorial to them *about their humble Requests*, the VIIth Article of which was as follows :

“ And for soe much as we are not able to maintaine our poore Schollars at the Universities to studie Divinitie; May it please His Majestie to grant unto us some places in such of the Colleges, which are in his Majestie’s gift, for such poore Schollars, as shall bee recommended to His Majestie by the Three Estates, or Common Council of this Island;”

Three Fellowships were at last founded in 1635, in the manner that Mr. Falle relates. The nomination was vested in the Dean and Jurats, which was an indirect refusal of the former Memorial to place it in the States or Common Council. Whether that alteration was unwise, it is not necessary for me to determine, though it would seem that the Clergy ought not to have been excluded from the Nomination.

It is equally uncertain whether that Foundation has been of any real advantage to the Channel Islands. From its earliest date it has been a source of intrigue, of partiality, and of litigation. The Dean gives a separate nomination, and the Jurats give another, thus forming an appearance of two distinct Corporations. When the Dean and the Jurats have differed, which has often been the case, a contest has immediately ensued, which generally ended in a compromise between the parties. Notwithstanding this evil is of very long standing, the legal question has never been decided. There are however strong presumptions against the Dean’s claims, because it would be absurd, that he could do as much alone as all the Jurats together. Sir Philip De Carteret, (*See Note 46.*) who was Lieutenant-Governor and Bailly when those fellowships were founded, was a man of education and high family connections. It is therefore improbable that a personage possessed of his powerful interest, would have allowed the Dean without any remonstrance on his part, to acquire such an important privilege. The reason that the Bailly’s vote is not mentioned, is that Sir Philip had formerly been elected a Jurat before he was raised to the chair.

It has also been doubted whether these Fellows can hold livings in the Island with their Fellowships.

It would seem as if the decision had been in their favour, as there are several precedents of the kind. I should however be inclined to adopt the contrary opinion, and that *the suitable preferments there, where they are to serve God*, means any of the Jersey benefices, consequently, that they vacate the fellowships. A contrary interpretation has the effect of lessening the nom-

her of vacancies, and is therefore prejudicial to the purposes of education. Another evil has been the litigation between Jersey and Guernsey, about which of the two Islands had the right to nominate. It is however to be hoped that this point has at length been laid at rest by a Decree of the late Duke of Portland, Chancellor of Oxford, in 1804, by which that nobleman ruled, That the Island which had simultaneously enjoyed Two Fellowships, should next enjoy but one, without any reference to the number of individuals, who might have been elected Fellows. It prevented the possibility that one Island should enjoy the three Fellowships at once. Thus from 1790 to 1820, Jersey enjoyed two Fellowships, and had but two Fellows elected, whereas Guernsey had but one, the Pembroke College Fellowship, into which about half a dozen Guernseymen were successively elected.

It is seldom that those Fellowships have been enjoyed by laymen, though there are instances of it. We cannot help observing in this place, one of the many instances of Mr. Falle's laxity of opinion, which one would not have expected from a person of his abilities and good sense. It is only necessary to make quotations.—Mr. Poingdestre was a friend of the author, a learned layman, and an eminent magistrate. (*See Preface, page viii.*) In the very page of this *Note, p. 215 and 216*, he says thus: "The two first elected for Jersey were *Mr. Poingdestre*, whose name so often occurs in this work, and *Mr. Brevint*, mentioned in the Introduction, both turned out of their Fellowships for their loyalty, by the Parliamentary Visitors in the year 1647."—"Tis an abuse, and a contradiction to the Royal Founder, that any should enjoy them *who have in view, and are in pursuit of other professions.*" This is a singular way of praising a man! Mr. Poingdestre was almost forty years of age, when he was ejected, and had had full time to take orders, had he intended to do it. On the contrary, he became an Under Secretary of State, was a lawyer by profession, and remained a layman to the day of his death. We however fully agree in Mr. Falle's opinion, respecting those Fellowships, that it is an abuse for laymen to retain them, and that they ought never to be given but to young men, who are really intended for the service of the Church.

It may be asked whether those Fellowships have answered the intentions of their Royal Founder, and been beneficial to the Channel Islands. I think that the contrary has happened, and that the Islands have not in consequence been supplied with more learned or better qualified Ministers. The Founder began at the wrong end, for in the first place, he ought to have improved the livings, and made them worth the while of men of learning and abilities. Instead of which the Fellowships became annuities for young men of merit and ambition, who would soon despise the scanty provision which their native country afforded them, and prefer to run their chance of advancement in England. It is well known that Fellowships when bestowed on young men of learning and talents, have in many instances eventually led them to the highest honours in Church and State. There is not one benefice in the Islands, which would be so valuable to a rising and ambitious young man, as one of these Fellowships. It is thus that the Fellows of the

rich Foundation of Jesus College, Oxford, seldom think of returning to practice apostolical abstinence on the poverty and solitude of their native Welch rectories.

Individuals therefore, and not the country, have been benefited by these Fellowships. The mode of electing them has also been unwise, which, as we have seen, has been productive of endless litigation. The Fellowships ought to have been founded in the same College for natives of the Islands, to be elected indifferently from any of them by the Society. As it is, the patronage of the Dean is too much, who may from favouritism nominate an objectionable candidate, while the Jurats, from their habits of life, cannot be supposed to be, as a body, the most competent judges of proficiency, either in the classics or in theology.

Fellowships have been productive of the singular advantage of having brought forward many individuals, who have done honour to the Island by their learning, their virtue, and their talents. Among these are the names of Drs. Brevint, John and David Durell, Dumaresq, Bandinel, and John and Edward Dupré. The late learned and venerable Dr. Valpy had not had a Fellowship. The Morley Scholarships are very trifling endowments, which have remained stationary, notwithstanding the decrease in the value of money. They are nominally £10 a year each, for 10 years, but the College deducts eighteen pence for each week of non residence, which reduces them to about £7 a year, with a set of rooms worth £5 or 6 more. They are nominated in the same manner as the Fellowships, with the addition of the Bailly's vote. There are three Scholarships for Jersey, and two for Guernsey. The reader may find the Patents for these two foundations in the Enquiry about Elizabeth College, Guernsey. (III *Appendix*, N.N. 6 and 7.)

Note 220, p. 216,

For more than half a century there have been no foreign protestant ministers among our beneficed clergy. Occasionally some of those gentlemen are still employed as assistants, or curates; but it is indispensable that they should have previously obtained ordination in the Church of England.

Note 221, p. 217.

Laurens Baudains originally intended to have founded a College in the town of St. Helier, but the idea seems to have been ultimately given up on account of the insufficiency of the revenues: It is thus that the intention of building a College has been entertained for almost 250 years, but has not yet been accomplished. It is even doubtful, whether such an establishment would be desirable in the actual state of society in this Island.

The benefaction of Laurens *Baudeyn* had already been put in mortmain, as appears from an Act of the States of the 3rd of October, 1603. The affair of this intended College was subsequently often brought before the States, till at last, the plan was abandoned, and a Royal Patent obtained about the application of that benefaction in future. (*See Act of the States of Jan. 9, 1611, 2.*) A French translation of this Patent has been printed in *Le Jeuue's History*, Appendix, pp. 85, 99. The Donation consists of a mill and some

rents, which are still the same as in Baudeyn's time, with the addition of a few £100 in the funds. The income is applied at the discretion of the trustees to assist young men of moderate resources to obtain a University education.

Note 222, p. 217.

Those schools are still nearly in the same state as in the time of Mr. Falle. It is an improvement that the English language is now taught in St. Manelier's School, which was not formerly the case. The late Rev. Dr. Dumaresq, the venerable benefactor to the Jersey Library, who died in 1805, had been educated there. Those Schools are but inadequately endowed, and little can be said about their efficiency as establishments, where youth might be gratuitously instructed in the classics.

Note 223, p. 217.

John Neel was a native of Jersey, and had been graduated in the University of Paris. He became afterwards Treasurer to William of Waynfleet, Bishop of Winchester, who died in 1486. He outlived the foundation of his free schools but a short time, having died in the situation of Dean of Prince Arthur's Chapel on the 15th of March, 1497. These particulars are collected from his Latin epitaph, which we insert as a curiosity not unacceptable to some of our readers.

Ossa Johannis Neel tenet hoc sub marmore tellus ;

Spiritui sedes quæso sit empyrea.

Gerseæ nato (septem dedit artibus,) illi

Jura Magistratus inclyta Parisius.

Inde Thesaurarius Rectorque domûs venerandi

Pontificis Wainfleet, hicque Magister erat.

Principis Arthuri post hæc, regit ille sacellum

Sorte decanatûs, cui bene carus erat.

Gymnasiis natale solum splendescere fecit

Biuis, quo discas grammata perpetuò.

M. semel et Cenios, (*) si tres tamen excipis annos,

Martia quinta dies ter sua fata docet.

Ergò pii celebrate pium, precibusque juvate,

Quo Deus æthereâ ponnat in arce suum.

Note 224, p. 217.

The Patent not having been produced before the Royal Court, when the right of the Dean and Clergy to elect had been coutested, they lost their cause, and the decision would have been final, had not Mr. Falle himself and another clergyman had the spirit to appeal to Council, where the Patent having been produced, the result was such as he mentions. The Order of Council is registered in our Records, and is dated Nov. 16, 1693.

Note 225, p. 218.

This actually took place within a very short time after the publication of this history, when the library was founded by its excellent and patriotic au-

(*) Evidently an unclassical contraction for *quingentos*—500.

tior. We refer to the Book of the States of that period, which contains a great deal of correspondence on that subject. The collection is highly valuable, and contains many scarce and expensive books, which literary men would find it impossible, in many cases, to procure in Jersey. It is however to be regretted that it is not more frequented, and indeed most of those who go there, do it only for the occasional consultation of particular books. There is also too large a proportion of theological works, which can be easily accounted for, as having formed part of the library of a clergyman. There are comparatively but few modern books, as Mr. Falle left but the interest of £200 in the 3 per Cents for the purchase of new ones.

The late Dr. Daniel Dumaresq, a native of this Island and a Canon of Salisbury, gave likewise his books to this library, and thereby nearly doubled the collection. That worthy man was more than 90 years old, and had been a distinguished pattern of every virtue, that could either dignify or exalt human nature. He had been chaplain to the British factory at St.-Petersburg, during which time he was honoured with the notice of the Emperesses Elizabeth, and Catherine II. After his return to England he corresponded with Stanislaus Poniatowski, the unfortunate, and the last king of Poland. The publication of those letters would be in some respects a public acquisition. This truly good and disinterested man, this counterpart of the *Man of Ross*, died in 1805.

Dr. Dumaresq had been brought up at Pembroke College, Oxford, and afterwards became Fellow of Exeter College in 1740. While at Pembroke College he became intimate with Shenstone and his friend Graves, the author of the *Spiritual Quixote*. Dr. Dumaresq was what was then called a water-drinker, so that after a time Graves left him and went over to Shenstone's party. His friendship for Graves lasted through life, and subsequently when the former was settled at Claverton, and the latter in Bath, the two octogenarians still continued to visit each other.

The States for a few years past have annually voted £100 to purchase valuable works for this library, and the number of volumes is now said to amount to five thousand. It is also projected to increase the buildings, and to render the library better adapted for public accommodation.

Note 226, p. 219.

The origin of those *Trésors* is very ancient and certainly of a date anterior to that of the Reformation. The same may be said of the Charity fund. These benefactions consist of small sums of quit reuts, payable yearly, according to the actual price of corn. These funds vary in value according to the respective parishes. They were originally the gifts of pious persons to the Church and poor, for permission to be buried in the Churches. The *Trésors* have at times been much curtailed for the purposes, which our author mentions, instances of which frequently occur in the Records of the States and of the Royal Court; but which it is unnecessary to quote. The abuse was at length remedied by the Jersey Code of 1771, which has a long Article about those *Trésors*, the substance of which is as follows: "Les Revenus

des Trésors des Eglises, seront appliqués par les Surveillans, aux réparations, entretien et besoins des Eglises et Maisons Presbytériales, &c. &c." (page 319.) At present when the income is insufficient for the expenditure of the current year, it is usual for the Parish to borrow money on the security of the Trésor, and to repay it in better times. If after all the Trésor would not be sufficient, then the parish rate is liable to make up the deficiency. The Charity Fund is similarly situated, and from its general and acknowledged insufficiency has resulted the poor's rate, about which we shall say more in another place.

The principal advantage of the *Trésors* is, that it relieves the parishes from the necessity of Church rates, and prevents that discontent which is so frequent in England, when dissenters are obliged to contribute to that kind of tax. It is therefore owing to those *Trésors* that Church rates are unknown among us, and that those venerable places of worship, are repaired without any expence to the public. It is thus that the superstitious vanity of being buried in Churches in former ages, is now made available to the public good.

The lay impropiators in England are liable to the repairs of the Chancel, which is about one third of the expence. The King is lay impropiator in Jersey; but here also his revenues are benefited by the *Trésors* which exonerate him from that charge.

The *Obits*, or rents given to say masses on the anniversaries of the deceased, might also have been applied to some good purpose or other; but they were seized by the iron grasp of confiscation at the Reformation, and either sold off, or annexed to the Royal Patrimony in the early part of the reign of Queen Elizabeth. (See Note 215.)

Note 227, p. 219.

This office of *Lay Deacons*, or *Collectors of Alms*, as they are more commonly called, still subsists, who during their office are members of the Vestry. As to the poor's box, and the *Tronc*, they produce now but little, which is the less surprising in a country, where the law has rendered the parishes liable to support the indigent.—There is also what is called the *Jersey Hospital*, a noble building and extensive establishment, founded a few years after the death of Mr. Falle, by a bequest of Mary Bartlett, Widow, an opulent lady, and a native of this Island. A description of that Hospital would exceed the limits of a Note.

At present the poor's rate is regularly assessed every year in January in all the parishes. The casual resources mentioned by our historian are totally insufficient, and the sums required to be levied for the relief of the poor, especially in the town and parish of St. Helier, are become very considerable. The poor's rate is not assessed as in England on the occupiers or tenants, but on all the freeholders resident in the Parish. All persons assessed to the poor's rate acquire the elective franchise, and those who contribute to a certain amount, as regulated by an Order of Council of 1804, are *Principals* of the Parish, and members of the Vestry.

Note 228, p. 220.

At the request of the late Bishop North, the late Bishop of Salisbury, Dr. Fisher, visited the Channel Islands in 1818, and the next year the former prelate sent an excellent printed charge to the insular Clergy, to express his regret that ill health and advanced years had prevented him from visiting that part of his Diocese. The present Bishop of Winchester has since visited the Islands in 1829, and 1835. The Bishop derives a Jurisdiction, as it is limited by our local Canons; but has neither emolument nor patronage from this Island.

Note 229, p. 221.

It appears unfortunately, that from the earliest times this Island has been much divided by party dissensions. The reigns of Elizabeth and James I have scarcely handed down to us any other memorial, than that of the political feuds of our ancestors. Their descendants have not lessened an evil, which is indeed to be truly lamented, but to which it is not so easy to find a remedy. It has been the object of these Notes to confine them to what was strictly literary and historical, and to avoid the expression of any bias of personal or political feeling. We hope to have adhered to that resolution, but at all events, any departure from it has not been intentional.

Note 230, p. 221.

It could not be expected, that with an increased population, and in the present state of Society, a perfect conformity should have continued. Dissenters are now numerous, who have divine service celebrated in Chapels of their own in the French and English languages. There is also a Catholic Chapel. The 22d Canon against non-conformists remains unrepealed, but it has virtually ceased to exist.

Note 231, p. 221.

Mr. Falle alludes to a riot which happened in 1729 on account of some alterations in the currency. The angry passions, which it occasioned among individuals, were scarcely allayed, for 20 years after, as appears from the Books of the States and of the Royal Court. It would be difficult to say at this time, who was in the wrong, and if it could, it would be uninteresting. It was alleged that the French currency had been depreciated, and on application having been made to Council, it was successful, to raise it 50 per cent. This is what is called to this day *Order Money*, to distinguish it from the *Livre tournois*, or to express it more intelligibly, it required *six liards* to the sous instead of *four liards*. Half a year was allowed to change Bonds, &c., according to the new Currency, but many individuals through inability to pay off their bonds, or through neglect of their own, became the victims of that regulation, and had their incumbrances raised 50 per cent. This produced an excessive exasperation, and a furious riot ensued. The Lieutenant Bailly of that day narrowly escaped with life, and sought an asylum in Elizabeth Castle. The consequence was that a body of soldiers was sent over to keep the country in subjection. Matters were then carried with a

high hand, and in 1734 five Jurats were dismissed, and disqualified from the Bench, when the people elected either their sons or nearest relatives in their place. It is not therefore astonishing that such a state of things, should have caused the heart of so good a man, and so sincere a patriot as Mr. Falle, to bleed, and that in closing his history, he should have been desirous to cast a veil over such a deplorable transaction.

It became a term of reproach in some families to be called a *six au sous*, which had been continued down to our times. As to order money, it was never adopted but in legal and official instruments; all common calculations have been continued in the *Livre tournois*. About two years ago, an Order of Council substituted the English currency; but the ancient partiality for the livre and the sous, still remains in the common transactions of buying and selling.

Note 232, p. 223.

It has been observed at page 415, Note 151, that Geoffrey Wallis had not been attainted. This must be understood, that according to the X Article of King John's Charter, it could not have been done legally. "That no man convicted of felony out of the said Islands, can forfeit his inheritance within the Islands; but that it shall descend to his heirs." The treason of Wallis having been committed in England, it removed, according to this Article, every legal impediment to the restoration of the property to Faulteroy. It is however doubtful whether Faulteroy ever derived any benefit from the Grant of Henry VII. The Chronicler says that Henry VIII granted that estate to Helier De Carteret, the Bailly, probably about 1520. It is certain that it continued to make a part of the Royal Patrimony for a long time, that it is mentioned as such in the Extent of 1607, and that it was not finally alienated till 1650, when it was granted by Charles II to Sir George De Carteret, as a reward for his services. It is impossible to say, whether Faulteroy received some compensation for his grant, or whether it was resisted, and finally evaded by those who were actually in the enjoyment of the St. Germain estate.

Note 232, p. 224.

Charles II confirmed the Privileges of the Island after his Restoration, as was the case at the beginning of every new reign, but in this case the clause about the grant of the mace was added. We have inserted at the end of Note 46, page 343, an Act of the Royal Court concerning Sir Philip De Carteret, whose enlogium had, according to it, *been engraved by his Sovereign, on the mace, in letters of gold.*—The original Patent may be found registered at *Héritage* 22nd of April, 1663.

The Patent about the nomination of the Bailly, &c., Aug. 6, 1615, inserted in the Appendix, No. III, was registered at *Héritage*, the 25th of September 1615.

While on the subject of the mace, it may not be amiss to say a few words about the halberdiers, or pikemen, who are bound to attend at trials for felony, and at executions. (*See Note 29, p. 290.*) Their duty is precisely that

of a Sheriff's Troop in England, but their appearance is far from being so respectable, as they are not required to wear any particular livery or uniform. The Sheriff uses his own discretion as to the number who may be summoned to attend each time. Anciently, before there was a prison at St. Helier, these halberdiers had to escort prisoners to and from Mount-Argueil Castle to the Court House, and that may account why they are all freeholders of the adjoining parishes of Grouville, St. Martin, and St. Saviour, who are responsible for the performance of that duty by their tenures. Grouville has 12, and St. Saviour 18 of those halberdiers, each of whom has, by his tenure, a small allowance of land for his trouble. They are more numerous at St. Martin's, where every freeholder on the King's fee is liable to furnish a halberd. Their number occasionally varies, at St. Martin's, but it may be averaged at from 100 to 120, which leaves a body of about 150 men at the disposal of the Sheriff for the keeping of the peace.

Note 233, p. 226.

The Alien Priors were not formally annexed to the Crown, till the next reign, that of Henry VI. We refer to Note 132, page 136.

Note 234, p. 227.

The official oaths of the several public functionaries in Jersey are to be found in the Jersey Code of Laws, Article *Serments*. Mr. Le Geyt has likewise some very sensible observations on the subject at the end of his excellent Treatise on the Jurisdiction of the Royal Court, but which are too long for insertion in this place.

Note 235, p. 228.

This Charter of Elizabeth is the same, with a few verbal alterations, as those which were afterwards confirmed by her several successors on their accession to the Crown down to James II in 1685.

Note 236, p. 244.

It is unknown from whence the tradition of the fate of the Lord of Hambye has originated, or at what period he lived. It is possible that it may not be all a fiction, or rather that the leading facts might have been substantially true, as that that nobleman came to Jersey on some hazardous enterprise in which he perished, and that he was buried in an elevated spot, over which a barrow was raised, which could be seen from his former residence in Normandy. It is a pity that this large mound has never been dug into near its centre, to ascertain if it might not have contained some human remains. Dangerous serpents never existed in our climate, and it must have been some hostile chieftain, who was thus designated, whom the Lord of Hambye encountered and slew. There is nothing improbable in this, or that he might have been murdered by his attendant, under the excitement of the irresistible passions of lust and envy. The sequel of the legend may be perfectly true; for there is no need to have recourse to the embellishments of fable and poetry, to be aware of the terrible effects of remorse, when working on a wounded and guilty spirit. The legend however, whether true or false, is highly

poetical. It is very likely that one placed in those appalling circumstances, would be disturbed in his sleep, and that he would then give a loud utterance to his agonised feelings. This idea is much older than the legend of Hambye. The Roman Poet Tibullus had already expressed himself to the same purpose, and if his sentiment had been penned to meet the case of Hambye, it could not have been more appropriate.

*Ipsè Deus somno domitos emittere vocem
Jussit, et invitos facta legenda loqui.*

Lib. I. El. IX, V. 27.

Heav'n haunts the guilty in their sleep, and seems
To draw forc'd utt'rance from the troubled breast,
When fell remorse reveals in horrid dreams
Deeds to unhallow'd secrecy consign'd.

A French Translation of this Legend is in the First Chapter of the Jersey Chronieler, who in this place makes a singular anachronism in affirming that it was Pepin, the Father of Charlemagne, who dismembered from the French Monarchy, the province that since took its name from the Normans. The Latin original of that legend is in the same Manuscript of Sir Philip De Carteret, of St. Ouen, from which Mr. Falle took his account of the Quenvais. (See page 93.) We refer the reader to our Preface for some account of that Manuscript.

The latinity of this legend is very indifferent, and is evidently more ancient than the account of the Quenvais, which is comparatively classical, and cannot be older than the close of the Fifteenth century.

Mabon is said to have built the Chapel on the tomb of Hambye, but it is more probable, that he only repaired, what that nobleman's widow had erected in a former age. Mabon's Chapel still exists, but it makes only a small part of that beautiful and interesting spot, *La Hougue-Bie*, now better known to the numerous strangers who visit it, under the name of the Prince's Tower, from the late Duke of Bouillon, or Prince D'Auvergne, a native of this Island, and one of its former owners.

The boundary of Grouville parish forms a kind of elbow or elongation at *La Hougue-Bie*, and seems to have been so contrived at some distant period, as to include that sacred spot within its precincts. (See Note 193, p. 184.)

Note 237, p. 245.

If any of our readers should feel any curiosity to read a translation of the above document, they may find it in Le Jeune's History of Jersey. (*Appendix, from p. 55 to p. 57.*)

It had been the policy of our ancient Sovereigns to annex their foreign dependencies to English Dioceses. Thus after the conquest of Berwick upon Tweed, from the Scots in 1296, it was transferred from the jurisdiction of the Diocese of St. Andrews, to that of Durham. It is now in the Deanery of Bamberough and diocese of Durham, and is held to be within the custom of York as to the distribution of intestate's effects. (*Penny Cyclopædia, Art. Berwick.*) This Bull of Alexander VI, mentions that Calais had formerly

been dismembered from the archbishoprick of Tours, (*) and annexed to that of Canterbury. It is therefore singular that it was not carried into effect at the time; unless we are to conjecture, that it was owing to the distance and the difficulty of intercourse with their new Diocessau, in those ages, and the disinclination of the clergy and the inhabitants of the Islands, to be removed from the nearer, and more convenient Jurisdiction of the Bishop of Coutances. (See Note 195, p. 435.)

Note 238, p. 247.

We quote the concluding words of this Order of Council, that we may strongly impress upon our readers, that the following Canons are a sacred compact between the Crown and the inhabitants, a kind of *Concordat*, to secure their religious privileges, and that if ever any Bishop of Winchester, or Dean of Jersey, should wish to go beyond those Canons, or introduce any additions to them, he would be acting illegally, and making unconstitutional encroachments.—“*Lancelot, now Lord Bishop of Winton, that he do forthwith, by his Commission under his Episcopal Seal, as Ordinary of that place give authority unto the said now Dean to exercise Ecclesiastical Jurisdiction in our said Isle, according to these Canons and Constitutions thus made and established.*”

The same idea is again enforced at the end of the Canons, (page 262, Notes 259, and 260.) “*Plus outre est ordonné que ce qui a esté par cy devant exercé et mis en exécution en ladite Isle, en quelques causes que ce soit, par vertu d’aucune Jurisdiction Ecclésiastique, demeurera pour abrogé, pour ne pouvoir estre tiré en Précédent, par ledit Doyen ou aucuns de ses successeurs, à exercer ou exécuter en temps à venir, contre ou outre la teneur desdits Canons, à présent conceus et ordonnés; mais que le tout soit rapporté et limité au contenu desdits Canons et Constitutions Ecclésiastiques. Comme aussi ne sera donné aucun empeschement par le Magistrat Civil de ladite Isle au Doyen et ses successeurs en l’exécution paisible de ladite Jurisdiction, au contenu d’iceux Canons, comme n’estans préjudiciables aux Privilèges, Loix, et Coutumes de ladite Isle, auxquelles n’est entendu déroger.*”

Note 239, p. 249.

The Sacrament to be administered on Whit Sunday is not mentioned in this Canon. Perhaps the omission is intentional, and was one of those exceptions which our ancestors stipulated for, when they received those Canons. The Sacrament is now administered the Sunday immediately following the Midsummer Quarter day.

(*) It is a singular mistake to have made Calais a dependence of the Archbishop of Tours. It was probably the error of some of the transcribers of the Bull, who meeting with the uncommon word *Taruenna*, took it for *Turones*, or Tours. In the time of Alexander VI, (A. D. 1500,) Calais was in the Diocese of Tarnanne, when subsequently it formed a part of that of Boulogne. We quote the *Encyclopédie Méthodique, Géographie, Art. Ternanne*. “*Taruenna Morinorum, ville de France dans les Pays Bas, sur la Lys, à 7 milles de Saint Omer.—Son diocèse, en 1559, fut partagé en trois, qui sont ceux de Boulogne, de Saint Omer, et d’Ypres.*” Boulogne was a suffragan of the Archbishop of Rheims.

Note 240, p. 250.

Here our Canons differ again from the discipline of the Church of England, which admits of too many pluralities, an abuse which it has derived from the Church of Rome, and which unhappily remains unreformed to this day. It does not appear from the headings of the States, or from any other ancient Documents, that any individual was ever allowed to hold two benefices in Jersey.

It is but just that natives of the Island should have the preference in obtaining those benefices, especially in a small country where the chances of acquiring any kind of ecclesiastical provision are so very limited. For many years after the Reformation those benefices were mostly supplied by French Ministers, some of whom have continued almost down to our own times.—At former periods when very few natives sought to qualify themselves for the Church, it was desirable to hold out encouragements, that as many Jersey men as possible might be incumbents of benefices, and members of the insular States.

In the first Book of the States, from 1603 to 1614, it appears that that Assembly occasionally granted certain sums of money to maintain young men at Oxford. This was likewise the object of Laurens Baudains in founding his exhibition, and that of Archbishop Laud in obtaining, as we have already seen, the foundation of three Fellowships from Charles I, for natives of the Channel Islands.

There is at present no deficiency of young men who are brought up to the Church. Small as our benefices are, they seem to be eagerly sought after by numerous candidates. It is rather to be feared on the contrary, that strangers might eventually be preferred to them to the exclusion of natives, and in violation of the Canons.

Note 241, p. 251.

These sorts of Acts are transmitted by the Royal Court to the Officiating Minister, having been previously countersigned by the Dean. These are principally notices for elections, fast and thanksgiving days, and for collections to be made for individuals, whose houses have been destroyed by fire.

Note 242, p. 251.

This qualification of being graduated must necessarily mean Degrees, taken after a regular course of study in the English Universities, or in that of Dublin. A Degree obtained by diploma by any person, who might have interest to obtain the office would not be sufficient. The Dean's qualifications in the original Canons, which were presented to James I are thus defined. "Le Doyen sera choisi pour le moins de l'âge de Trente ans, travaillant luy mesme en la Parolle de Dieu, et en l'endoctrinement, ayant les dons pour exercer ladite charge, de bonne vie et conversation, et bien affectionné et zélé en la religion et au service de Dieu." (*Canon, 51 Sec. also Note 212.*) The Rev. Francis Payne who was appointed Dean in 1729, was under thirty years of age. (*See Note 212, p. 208.*)

Note 243, p. 251.

This Canon is absurd, as it gives the Dean the power of asking the opinions of others, and then following his own, instances of which have sometimes occurred under former Deans. There has been however nothing of the kind within the last half century. It is unknown how this 21 Canon found its way among those Constitutions, as it is not in the Canons, which the Dean and Ministers presented to James I, (*See page 246*) and from which the present ones were revised and corrected with the consent of all parties. If a conjecture were to be hazarded, one would suspect, that it was a contrivance of the Dean, David Baudinell, for whose arbitrary character and disposition to intrigue, we refer our readers to *Note 46, p. 336*. The original Canon was more equitable, and was moulded according to the manner of proceeding in civil matters. We quote a few of those Canons. (*De la Cour et Procédures. Can. 107—110.*) “Le Doyen aura la mesme autorité en la Cour Ecclésiastique, comme a le Bailly en la Court Civile, et jugera de toutes causes d’instance entre partie et partie, par la pluralité des voix des ministres ses Assesseurs, comme fait iceluy Bailly par la majeure voix des Jurets qui l’assistent, pourveu que ce ne soit contre ces présentes Constitutions.

108. “Le Doyen n’estant de mesme opinion, que ses Assesseurs, il pourra différer la cause *ex officio judicis*, et la mettre pour estre consultée et jugée par tout le Corps des Ministres.

109. “Es causes esquelles le Doyen se trouvera partie, ou ayant quelque interest en la cause, l’ung des Ministres sera choisy par le dict Doyen, estant approuvé par les Assesseurs, pour présider en la cause.

110. “Le Doyen ne pourra tenir la Court sinon assisté de trois Ministres pour le moins, lesquels seront obligés de s’y trouver, et s’il se rencontre quelque cause difficile et d’importance, il en pourra appeler un plus grand nombre.”

Note 244, p. 252.

A great part of this Canon has fallen into disuse, and would be immediately repealed, if attempted to be enforced, as totally incompatible with the spirit of the age, and the present enlightened principles of toleration.—Some of the other subjects mentioned are also of the cognizance of the Civil Court, where they are generally tried with the consent of all parties.

Note 245, p. 252.

These Visitations are still held occasionally, and are very much the same as those of a rural Dean in England, for the repairs of the Church, and in this Island, for the repairs of the parsonage houses, and their out buildings likewise. These visitations take place, when there are difficulties on the part of the parishioners, when in general they end by the adoption of conciliatory measures proposed by the Dean. The people are well acquainted that the spiritual power could not enforce any of its injunctions but by means of Ecclesiastical Censures, which in this age are received with aversion and contempt, if not inflicted with particular circumspection.

Note 246, p. 252.

This Canon differs from it, and is more equitable than the English law in case of a vacancy, where the family of the deceased are entitled only to what was due at the death of their relative. The writer of this note recollects an instance of an English living of £1000 a year, where the incumbent having died about the end of July, his successor carried off the whole of the tythes, though he had had the responsibility but one month out of the twelve, while the executors of his predecessor received for the service of eleven months almost absolutely nothing.

Note 247, p. 253.

During the time that there was no Dean, from John Pawlet's death in 1565 to the establishment of Baudinell in 1620, the cognizance of the several matters mentioned in this 26th Canon, had devolved to the Civil Court. At that period the personal property of the Islanders was inconsiderable, and the business it created, was small in proportion. Since the increase of funded property, the fees arising from the proving of wills have become a considerable part of the Dean's perquisites, a large part of whose official emoluments are derived from casual profits of the kind.

Some years ago, an English professional friend supplied us with the following particulars for the probate of wills. "Any will requiring to be proved, when the property is in England, if sent to Messrs. Dyke and Stoke, Proctors, Doctor's Commons, London, or to any other Proctor in Doctor's Commons, in England, they will do all the business of proving the will, &c. at less expence, than by the more circuitous mode of applying to the Ecclesiastical Court of Jersey, which properly has only to do with it, when the property is in the Island.

"In proving the will at Doctor's Commons, a Requisition is sent from thence to the Dean of Jersey, requiring him to swear the Executor of it, as to its validity, &c., and which being attested by the Dean, is returned to the Proctors, and they complete the business."

Note 248, p. 254.

Most of the benefices have terriers of this kind, some of which are very ancient, but which on that account are of very little use, except where there are other terriers of intermediate, or more recent periods to correspond with them.—The rights of those benefices are not only difficult to be established, but in many cases, they are either eluded or resisted. The tythe of fish has been established at different times by a great number of precedents in the Royal Court, but it has not been paid for the last 70 years. The *déserts*, or *novals*, are the most intricate of those rights, for an account of which, we refer the reader to pages 207, and 208. The making of a general terrier at this time, if it were to be made according to the forms prescribed by this Canon, would be attended with considerable expence.

Note 249, p. 254.

There is a curious discrepancy between the original and the translation, from which there has resulted much uncertainty. It is about the Minis-

ter's right to appoint a Churchwarden. The original says "*Que si lesdits Paroissiens ne peuvent accorder en l'Election, &c.*" as if the difference of opinion must be among the parishioners themselves, before the Minister could interfere with a choice of his own, while the English translation referring to the beginning of the Canon, *Ministre et Paroissiens*, merely says *if they cannot agree in the election, the Minister shall have power to name one, &c.* This would mean, therefore, that the Minister's difference of opinion with the Parishioners, would enable him to name a Churchwarden. The original Canon is however that which ought to be followed, and with a view to conform to the strict letter of the Canon, it is usual, that when the Minister wishes to exercise his right, he contrives to get two friends to move and second a motion for another candidate, which proves at once canonically that *lesdits Paroissiens ne peuvent accorder en l'Election, &c.* It is to be lamented, that the plain meaning of any particular law cannot be executed without having recourse to such petty subterfuges.

It is remarkable that this English translation is taken verbatim from the Original Canons which the Clergy submitted to James I, which were amended into the present ones. It is of course uncertain whether the alteration was merely one for the better wording of the Canon, or whether it was done slyly, though intentionally, to curtail the right of the Minister. We quote that Canon.—LXI. "*Chaque sepmaine apres Pasques, le Ministre et les Paroissiens de chaque Eglise choisiront deux Surveillans, gens discrets, de bonne conversation, et des plus capables, à tout le moins, seachans lire et escrire, s'il est possible. Que s'ils ne peuvent accorder en l'Election, le Ministre aura pouvoir d'en nommer un, et les Paroissiens l'autre, par la majeure voix d'iceulx, et seront puis après assermentés à la prochaine Court, et bien advertis de leur debvoir.*"

Note 250, p. 256.

At present it is only in the absence of the Churchwardens, that the Collectors afford that assistance to the Minister. Their duty of collecting Alms at the Church door has become nearly nominal, since a provision for the poor has been made out of a rate, which is assessed by the Vestry on the freeholders of each parish, according to the supposed value of their property.

Note 251, p. 256.

The unamended Canon ran thus. LXXIV. "*Il y aura deux ou trois Collecteurs en chacune paroisse, selon le nombre des portes du Temple d'iceluy, qui s'ouvrent ordinairement, &c.*" It is impossible to conjecture what could be the reason, to limit the number of Collectors to two, as at that time the place, however respectable, conferred neither power nor influence. The number continued to be elected according to the number of doors, and to be sworn in at the Dean's Court, till within these few years, when the present Canon was strictly enforced. The Collectors acquired the right of voting in the parochial Vestries by an Order of Council of July 31, 1804. Since that period, it has been an object either to increase or diminish their numbers, ac-

ording as they could be rendered politically useful to either party in those Vestries.

There is another truly respectable point of view, in which the Collectors ought to be considered. It is that of assistant overseers of the poor to the Churchwardens. These Collectors are generally young men of good family and character, who begin with this office. In large parishes, where the poor are very numerous, they are particularly useful in visiting, and making a report of their real situation, and in many instances, in procuring relief, where it is necessary, as well as in preventing imposition on the parochial authorities.

Note 252, p. 257.

The Parish Clerks are still the same respectable class of men mentioned by Mr. Falle in his Note on this Canon. They are elected by the Vestry, but at this moment it is an undecided point, whether the Parish Officers, who acquired the right of suffrage in those Vestries by the Order of Council of the 31st of July, 1804, have, consistently with this 38th Canon, the further right of voting at those elections.

I apprehend that the Clerks reading the two Lessons, is a remains of the Discipline of the French Reformed Church, which prevailed here during the reigns of Elizabeth and James I, and that this was one of the points, the retention of which was connived at on the establishment of the Canons. The Clerks formerly sung a verse of the 39th, or of the 90th Psalms at funerals, but this has been dispensed with since the Bishop of Winchester has visited these Islands. Perhaps the next important and salutary reform will be, that the Clerks may be deprived of their ancient privilege of reading the Lessons!

Note 253, p. 257.

Every parochial Vestry chooses now its own Sexton, or Grave-digger, whose office is generally for life, if he behaves well. He is not sworn in, but his office is recognised by an Act of the States of the 30th of March 1804, since confirmed by an Order of Council of the 31st of July 1804.

Note 254, p. 257.

This Canon has fallen into disuse. The Parish Clerk was formerly the Schoolmaster likewise, and it is still within the memory of man, that there have been actions made, and judgements rendered according to this Canon in the Dean's Court. It is not only the spirit of the age, but the increase of the population of St. Helier, which has rendered this impracticable.

Note 255, p. 258.

In all matters of fees and costs, this Court follows the practice of the Royal Court. It is seldom or never requisite to recover them by means of Ecclesiastical censures. If however the parties should be obstinate on that head, they could not be obliged to pay more than the insignificant charges specified in the Table at page 261.

Note 256, p. 260.

This Canon is only a repetition of the manner of proceeding against offenders, as has been the case in all the ages of the Christian Church. It is

the abuse of Ecclesiastical censures, which has brought them into disrepute. The principle of excommunication is neither absurd nor unjust, as it is but natural, that every tribunal should have the means of enforcing obedience to its authority. These censures have further become contemptible, from the circumstance that they have ceased to spread that terror in the minds of men, which they did in less enlightened times, and have therefore ceased to be effectual. Compulsory obedience can be effected, but by means of fear; and punishment cannot exist, unless it causes anguish either of body or mind. It is evident that Ecclesiastical censures cannot now be productive of either of those consequences. It is therefore to be regretted that the punishment of excommunication is not entirely abolished, so that after a certain number of defaults, or contempts of Court, the judge might on application receive all the assistance from the civil magistrate, which it might be just and reasonable for the latter to grant.

The Dean's Court has sometimes exercised this extreme degree of rigour, an instance of which appears from an Act of the Royal Court of the 26th of August 1681, when it ordered the Major Excommunication to be carried into execution. (*Samedi*, No. 65.)

The Dean's Court has still the same power, but ought to use it with great circumspection, or rather, not to use it at all. That Court will cease to exist, and be cast off like an old worm eaten stool, the moment it shall depart from moderation, and endeavour to exercise a tyrannical jurisdiction.

Note 257, p. 260.

It would almost seem, as if the constellation under which Mr. Falle was born, had been to be pleased with every thing as he found it established. We refer to what he says on the subject of this Note at page 206. "Their sentence, (*the Bishop of Winchester and the Archbishop of Canterbury*), moreover must be final, freeing us from the trouble and expence of further proceedings before delegates." This opinion, stripped of its disguise, is neither more nor less, than that the arbitrary power of one man is preferable to a tribunal composed of many individuals. If we were sure that this *Superior Ordinary* would always be an upright man, there might not be much room to complain of this arbitrary authority; but it is melancholy to reflect that the See which could boast of such prelates as Andrews and Hoadley, had in a former age been polluted by a persecutor and a hypocrite, in the person of Bishop Gardiner, and that in the course of human vicissitudes, the same virtues and the same vices may occur again. It need not then be dissembled, that it is a misfortune, the right of Appeal is not to the Bishop presiding in any particular Court, as in the case of Appeals before His Majesty in Council, but to the Bishop himself acting singly. In fact the power is as arbitrary as that of the Visitor of a College in either University; so that any error which might happen could only be redressed by an expensive application to His Majesty in Council. If the Bishop should be either a tyrannical or prejudiced man, an appeal to him, would in most cases not only be useless, but even dangerous. It is not surprising that the Bishop of Winchester is sel-

dom troubled with appeals from the Dean's Court, in Jersey, or that that tribunal should have fallen into that degree of disrepute, which sooner or later, will bring on its final extinction.

Note 258, p. 262.

From the immense decrease in the value of money, these fees have long become obsolete : but from a kind of tacit consent, the Officers of the Dean's Court make the same charges as those of the Royal Court. These fees have often been mentioned with an air of derision to throw contempt on the Dean's Court. But it is generally admitted that they do not afford an adequate remuneration, and that they would probably receive some reasonable increase if an application were to be made in the proper quarter.

Notes 259 and 260, p. 262.

We refer to Note 238, p. 247, where the same sentiments are expressed in an Order of Council of James I. These passages show the extreme anxiety of our ancestors, not to make an unconditional surrender of their civil and religious liberties, and as for ourselves, we cannot take leave of those Canons, without expressing a fervent wish, that if in future times any tyrant should arise, to trample on the spiritual and constitutional rights of their posterity, they may have the courage and the independence to resist their encroachments.

Note 261, p. 264.

This list of the *Trésors* is not correct, and indeed till 1771, those funds were so much at the discretion of the respective parishes, that they could not be considered as permanent. Sir William Thornton, while he was Lieutenant-Governor of Jersey, in 1831, procured an official Report of the state of the *Trésors* in the Island, whose discrepancy with the above list, showed evidently that there had been formerly considerable alienations of those funds. (See Note 226, page 455, about the Rents of the Church and Poor, and of the Obits.

Additional and Concluding Note.

Mr. Falle, in his first Edition, concludes the Chapter on the Military History of the Island, with the Accession of William III ; but in his Edition of 1734, he alludes to some circumstances, which had happened during the early part of the reign of George II. As the Invasions of the Island by the French in 1779 and 1781, are the only events of any military importance since Mr. Falle's time, we cannot better conclude this work than by borrowing the following Narrative from Plees' History of Jersey.

“ The troubles that, in *Ireland*, followed The Revolution, and which were fomented by *France*, in favour of James the second ; the continental wars in which the French monarchs were engaged during the reigns of our sovereigns, William the third, Anne, George the first, and George the second : together with the rebellions excited and supported during the last two

reigns, by the French, in support of the exiled Stuart family ; these prevented further attempts on *Jersey* ; and it does not appear that any important events disturbed the internal peace of the Island, during the whole of this long interval.

“ The first subsequent effort against *Jersey*, made on the part of that enemy, by whose attacks it had formerly been endangered, was in A. D. 1779. On the first of May, the prince of Nassau, commanding a body of from five to six thousand men, appeared with a fleet off *St. Owen's* bay. Here this army attempted to disembark ; but by a forced march of the seventy-eighth regiment, assisted by a corps of militia, and supported by artillery, the enemy was repulsed. Frustrated in the first design, the hostile squadron proceeded to *St. Brelude's* bay ; but perceiving a similar opposition prepared, in this quarter also, the enterprize was abandoned.

“ Dissentions and recriminations, among the French officers, being a natural consequence of this failure, a second attempt was planned ; but before it could be carried into effect, the fleet, destined to cover the invasion, was attacked by a British squadron, under Sir James Wallace, and nearly annihilated.

“ The next and last project of this nature was of a very alarming description : not indeed from the force employed on the occasion, since it amounted to only 2,000 men ; but from the circumstances that accompanied the attempt, and the consequences that were likely to have resulted. This being the most recent attack, will render some detail interesting.

“ In the night of December 25th, 1780, a fire was discovered blazing between *Rozel* and *La Coupe*. It continued to burn about eight minutes, when it was answered by another, on the coast of *France*, which lasted about a quarter of an hour. These preconcerted signals were made at a time when no British ships of war were on the station.

“ On the following morning, French troops were embarked, at *Granville*, under the command of the Baron de Rullecourt, an adventurer, who intended to land in the night, during the festive season of Christmas ; at which time he hoped to possess the Island, by a *coup de main*, conceiving that the inhabitants would be in a state less capable of defence than at any other time.

“ Rullecourt quitted *France* in very tempestuous weather ; many of his transports were, in consequence, dispersed ; and the rest obliged to seek for shelter at the rocky island of *Chauzey* : this checked his progress, and reduced his little army to 1,200 men. With this diminished force, however, he again set sail, on January the 5th, 1781, and reached *Jersey* about eleven in the evening. The place at which he arrived was *Le Banc du Violet*, a projected point of flat rocks, covered at high water, at the S. E. corner of the island. To this point his ships were driven by the current. Though not the spot at which he intended to disembark, his troops were ordered to land : only 700 got on shore ; 200 being wrecked in their vessels, and the rest prevented, by the tide, from effecting their purpose.

“ It may seem wonderful, that boats could approach a shore, so studded with rocks, and where rapid currents run between these craggy protube-

rances: but the baron had with him a traitorous Jerseyman, who had formerly lived at *La Roque*, and was a very experienced pilot. This infamous wretch, having committed a murder, had absconded from this island, and now added a public to a private crime.

“ Rullecourt’s first care was, to seize on a small battery of four guns: this he manned; and having left a company to protect the boats, and, in case of necessity, secure his retreat, he proceeded to *St. Helier’s*, avoiding the shore to prevent being discovered at any of the guard houses. His troops were, however, obliged to march near barracks occupied by artillery invalids, and close to a battery; yet they passed unperceived.

“ On entering the town, they massacred one man, (*Pierre Arrivé,*) who was standing at his door, and wounded a few other persons, whom they met with on their road. Arrived at the market place, they killed the centinel, and surprised the guard: there escaped, however, one man, who ran immediately to the general hospital, in which was quartered a regiment of Highlanders.

“ The inhabitants were astonished to see, at break of day, the market place filled with French soldiers without a single gun having been fired, or the least alarm given.

“ The lieutenant governor, at this time, was major Moses Corbet. He was in bed when first made acquainted with the enemy’s arrival. His house being soon surrounded, he was taken prisoner: some others that were with him shared the same fate. Corbet, though thus surprised, found means to send information, to the seventy-eight, eighty-third, and ninety-fifth regiments, that were stationed in different parts of the island.

“ The French general, having had the lieutenant governor conducted to the court house, represented to him that resistance was useless; that he had landed 4,000 men in different parts of the island; that the British troops, stationed near *La Roque*, were prisoners; and that he had two battalions in the vicinity of the town. He pretended to send an order for these to approach; and then issued a proclamation, in the name of the French monarch, promising protection to the inhabitants that would submit quietly, and menacing all that might resist with immediate punishment.

“ Having produced articles of capitulation, for the island, he required major Corbet to sign them; saying, that in default of instant compliance, he had orders to burn the town, with the shipping, and to put every inhabitant to the sword. The major refusing, in consequence of being a prisoner and making some remarks on the articles, Rullecourt laid his watch on the table, observing, that the objections were made merely with the intention of gaining time, and that unless the articles were signed in half an hour, he would set fire to the town, and abandon it to pillage. Several of his officers disgraced themselves by encouraging him to execute his menaces. At last, to avert the threatened destruction, for this was the reason assigned by Major Corbet, in his defence, he and Major Hogge(*) signed the capitula-

(*) The King’s Solicitor General, John Thomas Durell, esq., and Matthew La Cloche, esq., the Constable of *St. Helier*, nobly refused to sign that capitulation, notwithstanding the threats of those barbarians. As for Major

tion. This convention was then presented to the king's advocate, to the constable, and to several other persons ; but they refused their signatures, though strongly urged, and particularly by a Turk of rank, who had accompanied Rullecourt in his expedition, and who drew a dagger, to render his threats more effectual.

“ The baron now conceived himself to be master of the island. He therefore produced a commission from the king of *France*, appointing him a general in his army, and governor of *Jersey*. Under these new titles he invited several gentlemen to dine with him at Major Corbet's. He then ordered all the shops to be opened, and every thing to proceed as usual, forbidding, however, the assembling together of any number of inhabitants. He had taken care to oblige Major Corbet to send a written order to the different corps of troops, not to move from their respective barracks: this the British officers were compelled to obey, until convinced that the major issued it while a prisoner..

“ During these eventful scenes the militia assembled in different places, prepared for a severe encounter. Every regiment moved towards the town ; the greater part joined the Highlanders, who were encamped on *le Mont Patibulaire*, or *Gallows* hill : and a company marched to *Elizabeth* castle.

“ Corbet now dispatched an order, for the troops on the heights, to bring their arms to the court house ; and sent notice of the capitulation to the castle. Shortly after this message had been forwarded, the French army left *St. Helier's* to take possession of that fortress.

“ Rullecourt marched at the head of the column, holding Major Corbet by the arm. They were no sooner on the beach, than a shot from the castle announced resistance. Advancing still, a second ball wounded several of the enemy. This hostile reception induced the French general to halt, and send an officer to the garrison, with a copy of the capitulation, and a written order from Corbet to surrender the castle : this being refused by the commanding officer, and the messenger representing the force already landed as very formidable, he was permitted, with a bandage over his eyes, to enter ; and being led up to the citadel, was shown the strength of the fortress.

“ Rullecourt, compelled to retire to the town again, denounced vengeance. Major Corbet then sent a peremptory order, commanding the gates to be opened, and the French to be received as conquerors. The answer to this mandate was such as became a spirited British soldier.

“ During these transactions, the regular troops, under the orders of Major Pierson, of the ninety-fifth regiment, who was the next in command to the

Hogge, the Fort Major, his case was singular, and truly lamentable. Like another Mutius Scævola, or rather Archbishop Craumer, he lent his right hand to an unworthy deed, and in a moment of weakness tarnished a whole life of fame. The subsequent anguish of that meritorious officer was however most acute, and he never saw again a happy day, till death relieved him, about two years after, from the burden of a miserable existence.—This anecdote has often been mentioned to the Editor by the late Thomas Anley, esq., a Jurat of the Royal Court, who had been personally acquainted with Major Hogge.

captive Lieutenant-Governor, together with the Island militia, were assembled upon the heights near the town.

“ Rullecourt’s bright prospect now began to lower : a dark cloud was gathering round him. He seized on the parochial artillery, which he planted at the avenues leading to the market place. He soon received information that the troops were descending from *Gallows* hill, in columns, having the regulars in front.

“ In this critical moment, the baron made a last effort to revive his withering laurels, and to obtain actual possession of his assumed conquest. He sent an officer to meet the advancing troops, and to prevail on Major Pierson to conform to the capitulation : thus to spare the effusion of human blood, and save the town from inevitable ruin. On the major’s refusal, the French officer requested time to return, and make a report to his commander. He required an hour for this purpose ; but the Island troops evinced an impetuosity that Major Pierson found it difficult to repress. He consented to halt for half an hour ; at the same time sending an adjutant of the ninety-fifth regiment to accompany the French officer, and to demand the liberation of the lieutenant governor. On their arrival at the court house, where they found Rullecourt and Major Corbet, the adjutant asked if the latter was a prisoner : both are said to have answered in the negative, though not in a manner satisfactory to Pierson’s messenger. The baron perceiving that negotiation was not likely to become effectual, added, that he should now so dispose of his men, as to prove that he could enforce submission.

“ The time granted by Major Pierson to the French officer appeared long to the little army under his orders : the militia, in particular, displayed that enthusiastic loyalty, which the islanders had, on so many momentous occasions, exerted. The major had however, a reason for restraining this ardour. He had detached the light companies of the seventy-eighth and ninety-fifth regiments, together with two from the militia, with directions to take a circuitous route, and possess themselves of the town hill : this detachment had not yet arrived at the place of its destination : the major was likewise at a loss how to act : he had received the lieutenant governor’s orders not to engage ; and he repeatedly observed, that if that officer was not a prisoner, he must, necessarily, conform to the directions of his superiour in command. On the adjutant’s return, the whole body formed into one column, and marched towards the town.

“ It had been hitherto imagined, that the force stationed near the old castle, had, agreeably to Rullecourt’s own assertion, sustained a defeat, and that a formidable portion of his army remained posted in the same quarter : in fine, his strength in the island was quite unknown.

“ During the march of Major Pierson’s corps, he received a letter from the officer who commanded the troops near *Mont Orgueil*, by which he learned, that so far from having been made prisoners, they were proceeding to attack a party of enemy that had taken possession of a battery at *La Rocque*.

“ The British and island troops now arrived at *St. Helier’s*, and separating into two divisions, pressed forwards towards the market place. An imme-

diat and impetuous attack was made by one of these columns; rendered furious by disappointment, the French fought desperately. When this onset took place, part of the detachment which had reached the town hill, bore down on the enemy, from another quarter of the town. At the same moment, the division headed by Major Pierson, appeared in the market place: he entered it through a short street, opposite to the present government house. The enemy made an immediate discharge, and that gallant officer fell dead into the arms of his grenadiers. Surprised, and, for an instant, discouraged by this unfortunate stroke, his troops gave way; but they soon rallied, formed again, and regained the ground which they had lost.

“Rullecourt seeing his men driven from every street into the market place, added wanton cruelty to his previous falsehood and treachery. He went out from the court house, holding the captive lieutenant governor by the arm; a short renewal of the conflict ensued; the baron received a mortal wound; some of his soldiers secreted themselves in the adjacent houses; the rest surrendered: and the victory was complete. Major Corbet escaped unhurt, though he received two balls through his hat.

“The firing having ceased, Major Corbet resumed the command; and having secured his prisoners in the church, he marched towards the place where the French had landed, and were supposed to have a detachment. The battery of which they obtained possession on landing, had been retaken in the morning, and such of Rullecourt’s army as were not either killed, or made prisoners, escaped to their vessels.

“The enemy’s loss in this ill-concerted and ill-fated business has never been known: the British had nearly fifty of the regulars killed and wounded, and about thirty of the militia. Major Pierson was interred in the church of *St. Helier*, and a monument erected, at the island expense, to commemorate his bravery and lamented death.

“A second descent being expected on the same night, some of the militia, though greatly fatigued, remained under arms until the morning. A general alarm was, indeed, at midnight, spread through the island, and all expected a fresh conflict, but the apprehension subsided.

“It has been asserted, that a large French force was destined for the expedition so happily rendered abortive, that it was to have sailed whenever a landing could be secured, and that the plan was to obtain and keep possession of all these islands, that the commander in chief was the prince of Nassau, and that the inhabitants were to be transported to a remote part of *France*. Such was the report circulated soon after, respecting the enemy’s intention. (*)

“Since the attack just detailed, *Jersey* has, at different times, been both menaced and alarmed, but has not experienced any actual assault. Buona-

(*) Major Corbet was tried, and superseded, but is said to have received a pension. We must not, therefore, impute to him any greater culpability than was found by the court martial. We may, however, say, that, though treachery did not attach to his conduct, it appears difficult to exonerate him from both negligence and a degree of pusillanimity.

parte, in his threatened invasion of *England*, called these islands stepping stones to that kingdom, yet he never thought it advisable to trust either himself, or any of his armies, on them.

“ It cannot be expected, that a work of this nature, should do more than mention the internal disputes that have unhappily arisen, in *Jersey*, during the present reign. They are events that must excite regret, as having fomented discord between families, friends, and neighbours, but on which it is not our province to comment. From the year 1779, to the year 1793, feuds were carried on with great animosity, and the opposite parties were distinguished by different appellations. Though those dissensions subsided, their effects may still be traced, and they probably, tended to increase those that have more recently divided the inhabitants.

“ Few extraordinary events, in the natural world, have, of late years, occurred in *Jersey*. It is however, proper to mention, in a general account, that on Saturday, July 2nd, 1808, a sudden and violent storm came on in the forenoon, hail fell that measured one inch and a half in diameter, these substances were semi-transparent, mostly spherical and hollow, but, though comparatively light, yet, from their unusual dimensions, they occasioned great damage, not only to the windows exposed to their direction, but, also to the orchards, &c.

“ In the beginning of the present year, A. D. 1814, this island had the honour of becoming the temporary residence of his royal highness the *Duc de Berri*, nephew of his most Christian Majesty, Lewis the eighteenth. Every attention was paid by the inhabitants to the illustrious visitant, while the condescending urbanity, displayed by the prince, and the sense he expressed of the civilities he experienced, are the best proofs that he merited and felt them. He left *Jersey*, for *France*, April 12th, on receiving the intelligence, that Bounaparte was dethroned, and the Bourbon family re-instated.

“ On Tuesday, July 12th, peace with *France* was solemnly proclaimed, both at *St. Helier's*, and *St. Aubin's*; on which memorable and happy occasion, there was, in the evening, a general illumination of both towns, and Thursday the 14th, was observed as a day of solemn thanksgiving.

“ Peace has now spread her halcyon wings over *Europe*, and did not the holy Scriptures seem to indicate terrible and universal commotions, in the “latter days” we might indulge the pleasing hope of lasting tranquillity. During the long, the arduous, the unexampled, contest in which we were engaged, *Great Britian* manifested, throughout, a constant and steady perseverance. Unawed by the dreadful convulsions, that shook all *Europe* to its very centre, and threatened destruction to every empire, she stood like a lofty rock, which the foaming surge in vain assaults, yet, as a judicious author, in a work just published, says, “while an insular situation and a powerful navy rendered” her “invulnerable, the British government and people nobly came forward in behalf of afflicted *Europe*. To effect its emancipation her blood and treasure flowed in streams. The people cheerfully submitted to the heaviest burdens to effect this object. Public and private benevolence was extended to heal the wounds of suffering humanity by the

“ravages of war in *Portugal, Spain, Russia and Germany*. The liberal hand of the nation was stretched forth to alleviate the distresses of the sovereign and loyal inhabitants of *France*, who, during the paroxism of relovutionary frenzy, sought an asylum in the British dominions.” Since the blood-stained sword of war has been sheathed, she has demonstrated, in the most evident manner, that her firm and spirited exertions were not influenced by ambition. The annals of *Europe* will clearly evince, to posterity, that she fought not for conquest, but for peace, for peace honourable to all the contending powers. Her moderation, when this desirable event took place shone conspicuous. The whole continent was, as a noble lord (*) said, in parliament, deeply impressed with her liberal conduct. “Such instances of generous magnanimity, on the part of the British government, cannot fail to exalt the nation in a still greater degree in the minds of the people of *Europe*, more especially when the extent and value of the sacrifice are disclosed, and since these cessions have been made to obtain advantages to all the allied powers, no less perhaps than to those to whom the boon had been granted, a confident hope is entertained that their feelings on this occasion will be manifested by liberal commercial treaties.”†

“From the long and friendly residence of Lewis the eighteenth, and the other branches of his august family, in *England*, the nobleman before mentioned naturally inferred, that those jealousies, which had for ages agitated *Great Britain*, and *France*, would be removed, and the spell, by which war between these two great nations, was supposed to be necessary, dissolved.

“Such would, indeed, be glorious and happy results. We might, in this case, adopt the language of the evangelical prophet, (‡) and say : The nations shall beat their swords into ploughshares, and their spears into pruning hooks ” “The wolf shall dwell with the lamb, and the leopard shall lie down with the kid, and the calf and the young lion, and the fatling, together, and a little child shall lead them.”—*Plees' History of Jersey*, p.p. 197 to 215.

Addition to Note 38, p. 293.

Buchanan contains an account, in the XII Book of his History of Scotland, of the Count de Maulevrier's English expedition to cooperate with Margaret of Anjou in the support of the declining fortunes of her Royal Consort, Henry VI. The historian is inclined to think that Manlevrier had only a body of 500 men. He says nothing about Jersey having been sold as the consideration for obtaining those auxiliaries, with whom Margaret made an expedition into Northumberland, which was unsuccessful, and in which a part of them perished. The same Queen had also surrendered Berwick to the Scots, which the English did not recover till 21 years after.

(*) Castlereagh.

(†) Colquhoun.

(‡) Isaiah

As some of our Readers might be glad to have a Translation of John Neel's Epitaph at page 454, we add the following.

Epitaph of John Neel, the Founder of St. Manèlier's School, Jersey.

Beneath this marble tomb Neel's ashes rest.—
 Oh may his Spirit live among the blest !
 A native sent from Jersey's rocky shore,
 He drew from Paris learning's ample store.
 Then he dispens'd a bounteous Prelate's hoard,
 When Wainfleete was his patron and his Lord ;
 Till raised by princely Arthur, Tudor's heir,
 The Dean entrusted with his Chapel's care,
 He founded with the savings of his toil,
 Two Schools that might adorn his native Isle.
 When Fifteen Cent'ries nearly roll'd around,
 His mortal progress reach'd its utmost bound.
 Then praise this good man ; may your pray'rs be giv'n,
 That God may place him in the rest of Hear'n !

The Editor had omitted in the course of the Notes, to communicate the following particulars about Edmond Snape, which seem to have been unknown to Mr. Falle.

Mr. Falle mentions, at page 197, on Strype's authority, concerning Cartwright and Snape. " That the Governors (*of these Islands*) entertained them with great kindness, making the first Chaplain of Cornet Castle, and the other of Mont-Orgueil, &c., and that these two were at a Synod in Guernezey in 1597."—In the course of references to the proceedings of the States of that period, I have found an Act of the 3rd of October, 1603, which confirms the Statement of the worthy Historian. It appears from it that Snape had then left Jersey, and was at law with the States, to whom Roger Marey, his Attorney, proposed that their differences should be referred to an arbitration of Four persons, with the Governor for their umpire. This was accepted and the States afterwards agreed to their award, "*Ayant entendu le calcul arresté, &c. Pont eu agréable pour éviter à plus grand trouble.*" (Two Acts of 27 Dec. 1603.) Snape had been employed by the States to teach the Classics in their projected College. They afterwards employed Mr. William Steward, a Scotch Gentleman, and a Professor of Humanities, to take charge of the College for One year, at a salary of 100 Crowns, or £12 10s. 0d. (States, 16 Dec. 1603.)—These Acts of the States are curious, as showing that our ancestors 240 years ago were already anxious for the establishment of a College, or rather a good Grammar School, and that a Puritan was to have been placed at the head ! Our brethren in Guernsey were more fortunate, and obtained the first Foundation of Elizabeth-College about that time.

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ERRATA.

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xviii	17	assidious, <i>read</i> insidious.
64	32	adulteriis, <i>r.</i> adulterinis.
64	35	hanc, <i>r.</i> hunc.
74	17	Cancel the word <i>now</i> .
77	14	Nations, <i>r.</i> Notions.
115	2	Angerés, <i>r.</i> Augerez.
135	46	page 183, <i>r.</i> 126.
150	24	laterest, <i>r.</i> Interests.
157	6	and, <i>r.</i> an.
191	23	opponendum, <i>r.</i> apponendum.
201	23	ceased, <i>r.</i> ceased.
221	37	Hearth, <i>r.</i> Earth.
222	28	et, <i>r.</i> ut.
228	3	a, <i>r.</i> et.
238	30	nulla, <i>r.</i> nullam.
262	9	ledit Doyen, <i>r.</i> par ledit Doyen.
265	22	page 321, <i>r.</i> page 218.
281	10	Etates, <i>r.</i> Etatis.
295	44	dictis, <i>r.</i> dicti.
303	43	to steer, <i>r.</i> to steer through.
327	10	subjugation, <i>r.</i> subjection.
328	4	from, <i>r.</i> of.
347	29	As one of, <i>r.</i> One of.
357	31	Note 64, p. 84, <i>r.</i> Note 64, p. 88.
358	1	nec, <i>r.</i> ut.
359	40	and climate of the soil, <i>r.</i> of the climate and the soil.
361	15	November, <i>r.</i> November, 1495.
367	3	Note 82, p. 103, <i>r.</i> Note 82, p. 104.
373	16	many of other, <i>r.</i> many other.
385	25	to such, <i>r.</i> to seek.
389	45	of which, <i>r.</i> which.
394	14	The Seigneurs, <i>r.</i> The Seigneuries.
396	16	and that, <i>r.</i> that.
398	3	Note 125, p. 131, <i>r.</i> Note 125, p. 132.
400	9	There is a still older, <i>r.</i> There is an old.
lb.	20	Henry VII, <i>r.</i> Henry VIII.
403	3	in, <i>r.</i> as in,
lb.	29	and with the, <i>r.</i> and the.
414	27	re, <i>r.</i> real.
421	6	right, <i>r.</i> rights.
lb.	30	essential means to ratify, <i>r.</i> essential means to satisfy.
422	21	Note 166, p. 156, <i>r.</i> Note 166, p. 157.
425	35	in use is, <i>r.</i> in use are. anni, <i>r.</i> annis.
lb.	36	right, <i>r.</i> reign.
429	15	171 and 182, <i>r.</i> 171, Note 182.
453	32	p. 182, <i>r.</i> 285.
438	28	Vicaperesit, <i>r.</i> Vicegerent.
447	1	for, <i>r.</i> far.
449	11	of <i>r.</i> from.

THE END.



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